importance of enacting a States water rights bill that will accomplish the desired purpose of protecting water rights vested under State laws.

RECOMMENDATIONS

The following recommendations embody principles essential to a well-rounded yet progressive irrigation and reclamation program to be correlated with and complementary to a national program of development, utilization, and conservation of our Nation's water resources.

It is recommended that:

1. Where opposition to water development programs exist, officers, members of, and delegates to, the National Rivers and Harbors Congress should act without delay to neutralize such opposing influences with any effective means available at local, State, and National levels.

2. Authorization and construction should not be subjected to a stop-and-go policy. Funds for reclamation portions of multiple-purpose developments should be increased and maintained at a level that would be consistent with the annual gross national product.

3. The Congress of the United States should establish the policy and criteria under which all Federal water development projects will be authorized and constructed.

4. On multiple-purpose projects, wherever practicable, the development of water resources should be preceded by basinwide planning.

5. Power revenues derived from Federal projects should be used on a basinwide or areawide basis to assist in repayment of irrigation allocations on Federal projects.

6. The principle of the interstate compact should be encouraged in order to avoid litigation between and among States and to preclude domination of the development and control of natural resources by Federal agencies.

7. Procedures under which Federal water resources projects are investigated and reported should be simplified.

8. Criteria under which Federal agencies evaluate water resource development projects before submitting them to Congress for authorization or construction should be reviewed and reestablished to include consideration of all future benefits.

9. Basic land and water inventories, soil and water research, snow surveys and stream forecasting should be continued, expanded, and modernized in order to provide adequate data for current and future planning.

10. The use of conservancy-type districts capable of levying taxes on project beneficiaries as agencies to execute repayment contracts with the Federal Government should be encouraged in order to more equitably allocate costs of a project and meet the burden of expensive and complex project construction.

11. In planning and constructing water resource projects the principle of supplying supplemental water to lands presently inadequately irrigated should be given priority over bringing new lands into cultivation.

12. It is further recommended that the National Rivers and Harbors Congress, through its executive offices and appropriate committees:

(a) Accelerate its campaign in support of a water-utilization program designed to fully develop our land and water resources placing special emphasis on starting new water development projects that are financially feasible and economically justified;

(b) Continue to bring to the attention of the executive and legislative branches of our Federal Government the need for a continuous, progressive, planned program of project authorization;

(c) Urge and actively support adequate appropriations for investigating and planning conservation water-use projects:

(d) Support legislation requiring compliance with and adherence to State water laws by Federal agencies.

(e) Support legislation to require Federal agencies to employ more liberal and realistic criteria in their evaluation of water development projects prior to authorization and construction.

SUMMARY

In summary, the purposes of the committee on irrigation and reclamation of the National Rivers and Harbors Congress shall be to promote the development, control, conservation and utilization of the Nation's water resources, to work for the continuation of the services and the coordination of activities of Federal agencies dealing with water resources, to cooperate with and assist in securing authorization and construction of Federal conservation water-use projects which meet with the approval of States and local agencies, to assist water users of the Nation in the economic development of river basins, to preserve the rights and interests of the States in their water resources, to promote the enactment of legislation favorable to these principles.

SENATE

TUESDAY, JUNE 21, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Most merciful God, who art the fountain of all grace, the source of all goodness, in whose keeping are the destinies of men and nations:

Before our wistful yearnings break into the faltering words of our stammering tongues, Thou seest our deepest needs. Every thought of every heart is fully known to Thee.

Open our eyes to the futility of changing systems and maps without changing men. Make us aware and sensitive to the beauty and strength of a spiritual world more real even than the dust beneath our feet, or June gardens where loveliness reigns—more real than the feathered songsters that wing their trackless way above our heads.

As those in whose unworthy hands have been placed the crying needs of stricken humanity, may the thoughts of our minds, the sympathies of our hearts, the words of our lips, and the decisions of our deliberations be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 20, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 765) making a supplemental appropriation for the Department of Labor for the fiscal year ending June 30, 1960, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 1543. An act for the relief of Angela D'Agata Nicolosi;

H.R. 2007. An act for the relief of May Hourani;

H.R. 3242. An act for the relief of Mrs. Virginia Lee Sage;

H.R. 5530. An act for the relief of Lelia Bernstorff Grauert;

H.R. 5738. An act to authorize the Secretary of the Army to transfer to the Waukegan Port District the commitment of the city of Waukegan, Ill., to maintain a public wharf in Waukegan Harbor on land conveyed to the city in 1914, and for other purposes; and

H.R. 5850. An act for the relief of the Borough of Ford City, Pa.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Is there morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

On the request of Mr. MANSFIELD, and by unanimous consent, the Internal Security Subcommittee of the Committee on the Judiciary and the Committee on Foreign Relations were authorized to meet during the session of the Senate today.

On request of Mr. JOHNSTON of South Carolina, and by unanimous consent, the Subcommittee on Trading With the Enemy Act of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Subcommittee on Education of the Committee on Labor and Public Welfare was authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with Headquarters, Department of the Army, and the Army General Staff, on March 31, 1960 (with an accompanying report); to the Committee on Armed Services.

CONTRACTS COVERING DRAINAGE CONSTRUCTION PROGRAM ON ROZA DIVISION OF YAKIMA PROJECT, WASHINGTON

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, drafts of contracts covering drainage works and minor construction required for completion of the drainage construction program on the Roza division of the Yakima project, Washington (with accompanying papers); to the Committee on Interior and Insular Affairs.

CONTRACT FOR DRAINAGE WORK, WELLTON-MOHAWK DIVISION, GILA PROJECT, ARIZONA

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a draft of contract relating to proposed drainage work, exceeding a total cost of $200,000, on the Wellton-Mohawk division, Gila project, Arizona (with accompanying papers); to the Committee on Interior and Insular Affairs.

EXPRESSION OF THANKS FROM CHILEAN SENATE

The PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of State, transmitting a telegram dated June 9 from the American Embassy in Santiago, Chile, conveying a message from the Chilean Senate to the United States Senate expressing appreciation for the assistance given to Chile in connection with the recent disasters, which, with the accompanying paper, was ordered to lie on the table.

RESOLUTION OF BROOKLYN, N.Y., INSURANCE AGENTS ASSOCIATION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Brooklyn Insurance Agents Association, Inc., of Brooklyn, N.Y., relating to the public debt.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas it is our considered opinion that the constantly decreasing value of the American dollar has been brought about mainly through the steady increase in Government spending, bringing the public debt of the country to an all-time high; and

Whereas the interest and refunding of the public debt together with the steadily rising costs of Government services requires a tax-load on the American public which is fast approaching the confiscation stage; and

Whereas there is constant pressure by various groups for more and more so-called welfare legislation, whereby the public debt would be further increased, or alternatively, taxes would be increased to meet the costs of such projects; and

Whereas this association representing the insurance agency business in Brooklyn believes the time has come to call a halt to Government spending for any but defense purposes and the most essential services: Now, therefore, be it

Resolved, That we call on our representatives in Congress to actively oppose any legislation that would further increase the public debt, or increase the already heavy tax-load on the people, and that they further oppose any legislation that will extend the present "creeping" inflation in our American economy; and be it further

Resolved, That a copy of this resolution be sent to each Senator from New York, and to each Representative from Brooklyn in the Congress.

BROOKLYN INSURANCE AGENTS ASSOCIATION,
By W. F. STANZ, *Secretary*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, without amendment:

H.R. 10695. An act to provide for the rotation in oversea assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes (Rept. No. 1624).

By Mr. HILL, from the Committee on Labor and Public Welfare, without amendment:

S. Res. 336. Resolution extending greetings to Miss Helen Keller on the occasion of her 80th birthday (Rept. No. 1625).

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9201. An act to validate certain mining claims in California (Rept. No. 1626).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Administrator of General Services that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3706. A bill to establish a medal to be known as the Presidential Medal for Civilian Achievement to provide recognition for certain persons who have made outstanding contributions in the arts, sciences, and related fields, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 3707. A bill for the relief of John E. Beaman and Adelaide K. Beaman; to the Committee on the Judiciary.

S. 3708. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests in the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 3709. A bill to provide for the conveyance of certain real property to the City of Myrtle Beach, S.C., for National Guard purposes; to the Committee on Armed Services.

By Mr. MURRAY (by request):

S. 3710. A bill to provide for the withdrawal from the public domain of certain lands in the Granite Creek Area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes; and

S. 3711. A bill to provide for the withdrawal from the public domain of certain lands in the Big Delta Area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes; to the Committee on Interior and Insular Affairs.

PRESIDENTIAL MEDAL FOR CIVILIAN ACHIEVEMENT

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to establish a medal to be known as the Presidential Medal for Civilian Achievement. The bill would authorize the President of the United States to award annually 25 Presidential medals for civilian achievement to individuals whose outstanding contributions in public service, the arts, sciences, and related fields deserve national recognition.

The award would be called the Presidential Medal for Civilian Achievement and carries with it a cash grant of up to $10,000 which would be tax exempt under existing law; no grant would accompany the posthumous award of the medal. Under the terms of the bill, any citizen or national of the United States would be eligible to receive a Presidential medal, as well as any alien legally admitted to this country who is in the process of applying for citizenship and is eligible to become a naturalized citizen.

The awards would be made by the President following his receipt of recommendations from a special Medal for Civilian Achievement Board composed of 15 members, including 9 appointed by the President—3 from the executive branch and 6 from private life—3 selected by the President of the Senate and 3 more appointed by the Speaker of the House of Representatives.

The Presidential Medal for Civilian Achievement would represent the highest honor that any U.S. civilian could receive. It would be the equivalent of the Congressional Medal of Honor awarded for wartime heroism by members of the U.S. armed services.

My reason for introducing the bill is to codify in one place, at one time, the fact that a great free people like ours knows how to recognize outstanding and unusual distinction in the fields of public service in national affairs, social and spiritual betterment, science, health and medicine, education, letters, the arts, law, engineering, agriculture, labor, industry and related fields. The principal means of recognizing such U.S. civilian contributions today comes from private sources such as the Ford, Rockefeller, and Carnegie foundations and through the awarding of the Pulitzer and Bollingen prizes, among others, and through the establishment of special chairs at universities and colleges.

It seems to me that our Nation ought to give such recognition. We do not create knights or baronets or marquis, but it seems to me to be essential that we provide for such award in this tremendous struggle for freedom in which we are engaged, and give this kind of recognition and distinction.

Our Federal Government has an awards program limited to the Fermi and Lawrence awards of the Atomic Energy Commission and the President's Award for Distinguished Federal Civilian Service for presentation to Government employees, created by President Eisenhower 3 years ago. Last year Congress made provision for a National Medal of Science—a program which has not yet gotten under way.

On occasion, Congress has authorized the President to award medals to individual civilians for various services and acts of heroism; as witness, for example, the awarding of a medal the other day to Robert Frost, the poet.

However, none of these programs or individual awards to civilians is equivalent to those in countries like England, Sweden, Netherlands, Denmark, France, Austria, Argentina, and the U.S.S.R. No one U.S. award now carries with it the official recognition and respect of the U.S. Government and 180 million Americans for a job done beyond the line of duty. President Eisenhower has repeatedly asked Congress to establish such a program, and the request was made again in this year's budget for an awards program giving "suitable recognition in the United States for distinguished achievement."

The United States, more than any country on earth, should have such a program. We are the world's mightiest democracy and our free institutions need constant replenishment from the initiative, drive, zeal and accomplishment of the individual who while exercising freedom of choice, voluntarily works for human betterment and the advancement of all mankind. A permanent program of Presidential medals would further strengthen our national morale and in so honoring civilian achievement, it would help spell out our national purpose and our pursuit of peace to our allies and friends abroad.

This kind of recognition is one of the elements of our growing up. I sincerely hope the bill may have the very early attention of Congress. I believe such a proposal can help tremendously in the struggle in which we are engaged, in building up the morale of our country, and in showing that we respect and honor in a very appropriate way our outstanding citizens.

The PRESIDING OFFICER (Mr. CLARK in the chair). The bill will be received and appropriately referred.

The bill (S. 3706) to establish a medal to be known as the Presidential Medal for Civilian Achievement to provide recognition for certain persons who have made outstanding contributions in the arts, sciences and related fields, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

FEDERAL HIGHWAY ACT OF 1960—AMENDMENT

Mr. WILLIAMS of Delaware (for himself and Mr. FREAR) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10495) to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, which was referred to the Committee on Public Works and ordered to be printed.

COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL—AMENDMENT

Mr. MUNDT submitted an amendment, in the nature of a substitute, intended to be proposed by him to the bill (S. 3325) creating a Commission to be known as the Commission on Noxious Printed and Pictured Material, which was referred to the Committee on Government Operations and ordered to be printed.

RETIREMENT BENEFITS PROTECTED AGAINST INCREASES IN COST OF LIVING—ADDITIONAL COSPONSOR OF BILL

Mr. McNAMARA. Mr. President, I ask unanimous consent that the name of the senior Senator from Minnesota [Mr. HUMPHREY] may be added as an additional cosponsor of the bill (S. 3684) to assist individuals to obtain retirement benefits protected against increases in the cost of living by providing for the issuance by the Treasury of a new series of bonds containing adjustments, under certain conditions, in maturity and redemption values to compensate for increases in the cost of living which may be purchased by individuals and eligible institutions, introduced by me on June 16, 1960, on behalf of myself and other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MUNDT:

Address delivered by Senator STYLES BRIDGES, at the FBI commencement exercises in Washington, D.C., June 8, 1960.

GOVERNOR'S CONFERENCE ON AGING—ADDRESS BY GOVERNOR GAYLORD NELSON, OF WISCONSIN

Mr. PROXMIRE. Mr. President, Governor Gaylord Nelson, of Wisconsin, delivered an extremely fine address on the subject of the elderly. Before I put it in the RECORD, I wish to read the last brief paragraph, in which he said:

Beyond all of this, we must set our goals far above the old standards of mere custodial care. We are dealing with human beings, many of them retaining great talents and abilities, many possessing knowledge and judgment only acquired after many years of experience. Our entire society is the real loser if we fail to use the full potential of every elder citizen, in government, in industry and in civic activities. What I am saying is quite simple. We must stop thinking of our senior citizens solely in terms of their disabilities. We must begin in terms of their abilities, and in terms of how much these abilities can contribute to our communities, our State, and our Nation.

I ask unanimous consent that the address by Governor Nelson be printed in the RECORD, at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH BY GOV. GAYLORD NELSON, GOVERNOR'S CONFERENCE ON AGING, MEMORIAL UNION, MADISON, WIS.

Aging has different meanings for different people.

To the doctor, aging means the changes in the human body that occur with the passage of time. Physicians agree that the onset of what we call old age cannot be measured by the calendar, but varies widely from person to person.

To the psychologist, aging refers to changes in the intellectual and emotional capacities of the individual. Again, the point of entry into old age varies widely. Today, we are discovering that earlier notions on the decline in intelligence and learning ability—assumed to occur rapidly past the age of 50—must be revised. The decline is less than once supposed. Most older persons are still well equipped to learn and function. There are even certain tasks where the older adult appears to exceed the younger in performance.

To the individual, entry into the later years is marked by the loss of the responsibilities of a job, frequently at an arbitrarily determined age. Retirement is generally preceded by the end of child-raising responsibilities, and the individual is thus given a chance to construct an entirely new pattern of life, built around leisure and the freedom to do what he wants. Unfortunately, many find themselves unprepared for this transition. They lack meaningful and challenging activities to replace those of earlier years. And in many cases, this situation further deteriorates as a result of declining income.

To society, the startling increases in our aging population present a major challenge. Modern medicine and ever-higher American standards of living have combined to raise life expectancy in the United States from 49 years in 1900 to almost 70 years in 1960. During the same period, mechanization has provided the means of increasing productivity while requiring less and less time from our work force. Thus, we have achieved two of the ancient dreams of mankind—the ability to live long and the chance to live out a portion of our lives without the iron necessity of work. Yet, paradoxically, the achievement of these dreams is referred to as a problem when it arrives. It is a problem because the wealthiest nation the world has ever known has not made timely provision for this new group of elder citizens. The success we have in meeting this challenge will become a measure of the humanitarian instincts of our society.

Despite a 21-year increase in life expectancy at birth, the person reaching 65 today does not have many more years ahead of him than his grandfather did at the same age. Life expectancy at 65 has only increased from 12 years in 1900 to 14 years in 1960. Most of the medical progress thus far has been in the reduction of mortality in infancy, childhood and early manhood.

Today, medical research is for the first time turning its attention to cancer, heart disease and the other causes of death in the later years. Even though this work has barely begun, however, the fact remains that the person reaching 65 this year still has one-sixth of his total life span ahead of him.

In Wisconsin today, 1 out of every 10 citizens is over 65, compared to 1 out of 20 in 1900. Wisconsin's proportion of people over 65 is about 10 percent above the national average. This is substantially higher than in California or any other State in the Southwest, and only slightly lower than in Florida.

These 395,000 elder citizens of our State have some definite characteristics. They are—and prefer to be—independent members of their communities. Less than 4 percent live in private nursing homes or in State and county institutions. Less than 30 percent live with their children. Two out of every three live in their own households.

The greatest immediate problems facing our elder citizens are money and medical care. People over 65 comprise about one-third of the entire "low income" group in the United States. In 1952, national estimates showed a median income of $2,276 for families headed by persons 65 and over and $803 for persons living alone.

The past 8 years have seen a pronounced improvement in income due to expansion of old-age and survivors insurance and to the introduction of mass industrial pension programs. The share of Wisconsin's elder citizens receiving OASI payments has increased from 14 percent in 1949 to 68 percent in 1958. And in the same period, the average OASI grant has increased from $265 a year to $732. These figures are indeed encouraging. But we should not delude ourselves into thinking that $732 a year provides any degree of economic security.

Personal health poses an even more tragic dilemma for our elder citizens. At the very time when their earning power is declining, their need for medical care greatly increases. The aged require about 2½ times more medical care than persons under 65 and have only one-third of the income.

The problem has also become critical because of soaring medical costs. The increase for all items on the consumer price index between 1948 and 1958 was 20 percent. Medical costs rose 43 percent, and hospital costs increased even more.

In the face of this cost-and-increase squeeze, a 1957 national survey showed that less than 40 percent of those over 65 had any form of health insurance coverage, and another survey the following year showed that only one elder citizen in 200 was covered against catastrophic medical expenses.

Both Wisconsin and the Nation have made important strides toward meeting this twin problem of income and medical care in the past few years. The increase in both payments and coverage under old-age and survivors insurance is part of this pattern, as are the introduction of mass pension systems and the State's old-age assistance program, which is one of the most liberal in the entire Nation.

We in Wisconsin have moved forward in other fields in the past year. We have passed a law prohibiting discrimination in employment because of age. We have authorized State standards of care and treatment in Wisconsin's 38 county mental hospitals, which means better treatment for the 4 out of every 10 people in these institutions who are over 65. We have made major changes in procedures at the University of Wisconsin Hospital, promoting greater use by public patients. We are well along on a study of basic tax revision, and one of the basic goals of this study is relief of the property taxes that are so harsh on those with fixed incomes. We have instituted an examination of retirement policies in State government. Finally, in one of the proudest accomplishments of this State administration, we have changed the statutory definition of "total disability" to conform with the Federal interpretation, thereby permitting almost four times as many Wisconsin residents to qualify for total disability payments. Today, more than 180 people a month are being transferred from local relief rolls to total disability rolls. The average grant to those transferred has jumped from $64 to $107 a month, or 67 percent. By August, more than 2,000 citizens will be transferred to total disability rolls, or almost 1 out of every 10 receiving general relief at the time the new act went into effect. And an additional 1,100 people will be approved for total disability payments who were never on relief.

This means a substantial saving in local property taxes that go to pay for general relief. Far more important, however, it means that more than 3,000 disabled people will get anywhere from $30 to $100 more per month. Everyone here knows how often such increases can spell the difference between poor health and good health, between human misery and human dignity.

More—much more—remains to be done. We should study the possibility of a publicity campaign aimed at the employment of older workers, on the order of the present campaign for employment of the handicapped. We should examine the terms in workmen's compensation and pension programs to see if they inhibit the hiring of older workers. We should investigate broader use of our State vocational rehabilitation program to retrain elder citizens. And we should provide State guidance and planning help for the whole scope of problems facing the aged, ranging from housing to nursing homes to civic programs to recreational needs.

State planning assistance offers many bright hopes. Unknown to most, for example, and unheralded, Wisconsin is developing a new kind of community—the retirement village. In the lake region of southwest Kenosha County, resort communities are developing large clusters of retired Chicagoans who live there year round. This could be duplicated in other resort areas around the State. But the process to date is haphazard, and no community has attempted to offer facilities or make itself attractive for this kind of development. Planning assistance can open the door to this and many other opportunities.

On the Federal level, I think we must give early consideration to raising the $1,200 earning level permitted before reduction in social security benefits. And we must act now to meet the medical care and hospital needs of our senior citizens. This matter has been before the Congress for several years. The problem has been well studied and all of the various viewpoints fully presented to the Congress and the public. The time has come for action and such action to be considered adequate must do the following: (1) Guarantee good, comprehensive health services to senior citizens now and in the future without regard to their income, where they may live, increases in health costs, or the willingness of State legislatures to appropriate funds. (2) Recognize that most States, particularly the low-income States, will be unable to financially assist, in whole or in part, in meeting this problem with any degree of adequacy without impairing other services. (3) Avoid expensive administrative procedure which will limit funds available for needed benefits. (4) Minimize the means test approach to this problem and recognize health care as a basic human right to which all people are entitled.

Thus, I believe that the most direct and simplest way to meet the objective is to provide health and hospital benefits under the provisions of the old-age and disability insurance program. I urge you to do everything in your power to obtain congressional action immediately.

Beyond all of this, we must set our goals far above the old standards of mere custodial care. We are dealing with human beings, many of them retaining great talents and abilities, many possessing knowledge and judgment only acquired after many years of experience. Our entire society is the real loser if we fail to use the full potential of every elder citizen, in government, in industry and in civic activities. What I am saying is quite simple. We must stop thinking of our senior citizens solely in terms of their disabilities. We must begin thinking in terms of their abilities, and in terms of how much these abilities can contribute to our communities, our State, and our Nation.

Thank you.

MEDICAL NEEDS OFTEN CONSUME ENTIRE INCOME OF SENIOR CITIZENS

Mr. PROXMIRE. Mr. President, letters pouring into my office continue to tell the story of senior citizens of this Nation caught in the trap of sudden staggering debts incurred through illness, and literally eliminating their income.

Our senior citizens actually are forced, in many cases, to sign over to hospitals their entire social security checks each month, sometimes for a period of years. Is this the situation that we want to confront our senior citizens during their retirement years? If we answer in the negative, then we must act, quickly and effectively, before this Congress adjourns.

Mr. President, I have here a letter which tells that very tragic story. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

I hope the Senate will pass some kind of a health bill for the old people. I am collecting $49 per month social security. The first part of May I was in a hospital for 12 days having undergone a major operation. So now I will pay the bill with my social security check for the next 27 months. I will sign my social security check over to the hospital. I am 67 and I will be almost 70 before I will have another social security check for myself.

Yours truly,

——— ———.

TAX DEDUCTIONS FOR ENTERTAINMENT

Mr. BENNETT. Mr. President, last Friday I was charged with having sabotaged a conference by opposing in conference things I had opposed on the floor.

Yesterday I opposed the amendment to the rate extension bill which would deny expense deductions for entertainment and for gifts. So, frankly, if what I am saying today should sabotage this particular amendment in conference I am doing it openly because this time I will not be a conferee.

The amendment denies deductions for entertainment without defining them, allowing unlimited expenditures for both food and drink.

Reference was made yesterday to the use of company yachts. The amend-

ment does not deny expenditures for transportation or lodging of customers. Yachts provide transportation and lodging as well as food and drink. So I assume that if the yacht had a specific destination, the amendment would allow deductions for its use. On the other hand, a seller could not take his customer to a ball game or pay his green fee for a round of golf because this is obviously entertainment.

As I said last night, the amendment leaves a wide open question as to whether food and drink can be purchased in a place where entertainment is provided, ranging from a string quartet playing dinner music to a nightclub with a floor show.

Because travel and lodging are not eliminated, it seems to me this amendment permits sales conventions and dealer education programs, so long as they provide no entertaining relaxation.

But what about the company picnic, which is certainly entertainment? Would it be denied by the bill?

When we get into the area of gifts, the problem, in my opinion, becomes impossible.

I should like to raise this question for the information of the conferees. If unlimited expenses for food and drink are permitted, does not that destroy the $10 limit if the gift is of food or drink?

I see the Senator from Pennsylvania present. It was stated last night that if a box of Senator BYRD's apples cost $10, he could not give them. I think if apples are food, he could certainly give any amount of them away, and still claim a deduction. Under the amendment as it was written, it would be possible for the seller to give his customer an unlimited supply of whisky and champagne. It could not be said drinks could be given only when they are served with a meal, because in my State it is against the law to serve a drink with a meal. If one wants to give a customer a drink, he would have to buy him a bottle.

So that leaves the question, What is a gift? Is it anything of value given to a customer without charge? For instance, does it include sales helps? In the paint business, the manufacturer supplies color cards to dealers. Is that a gift? Is the total value of such helps that may be provided without loss of the deduction limited to $10? Does the limit include sample kits, or special display devices, or window displays, if they cost more than $10? Is there going to be a limitation of $10 on these things in combination when so supplied?

Would the bill eliminate prizes for contests, since they are gifts? I suppose a case could be made for eliminating advertising giveaways. What about bonuses paid by manufacturers to wholesalers and their customers, and salesmen, as a part of a sales promotion program? And what about prizes and scholarships for students?

A little while ago Mrs. Bennett and I attended the American table dinner contest, which was a dinner given by General Mills to high school girls who, in each State, had won a contest, which I think included cooking with General Mills products. There were prizes given, including scholarships. They are gifts worth more than $10. Would such prizes be denied under the bill?

In my State there are a number of corporations that give scholarships at local universities to deserving students. Would the bill deny these?

Finally, what about the traditional gold watch to the retiring employee after a lifetime of service?

These are only a few of the problems created by the bill.

On the other hand, the Senator from Utah thinks the bill is incomplete, because it leaves the company free to pay travel and hotel bills, and in the area of entertainment and gifts, it strikes down many things which its authors did not intend to strike down.

I hope the conferees will recognize this weakness in the bill and eliminate the amendment. At the same time I hope the conferees will recognize the abuses that exist and will cooperate with the two committees involved and the Treasury to develop both legislation and regulations by which these abuses can be eliminated.

I think it would be completely appropriate if the conference report recognized this problem and made some statement which could later lead to what I think would be a more effective solution of the problem.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The time of the Senator from Utah has long since expired. Does the Senator wish to ask for additional time?

Mr. CLARK. Mr. President, I ask unanimous consent that the Senator may retain the floor for not more than 1 minute, in order that I may direct a comment to him.

The PRESIDING OFFICER. Will 1 minute be enough?

Mr. CLARK. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, I shall reply on my own time to the Senator from Utah. I hope he will be present. I disagree with every single one of the interpretations the Senator has given of the amendment. I can only conclude that my good friend, for whose ability and integrity I have the highest regard, would never have made these suggestions had he been a lawyer.

Mr. BENNETT. The Senator from Utah is a businessman and has had experience with all these problems. I think the meaning of the amendment is so simple and so clear that it would undoubtedly have the effects I have mentioned.

THE LASSIE LEAGUERS

Mr. SALTONSTALL. Mr. President, our country owes much to the many people who have worked hard to build it to its present position as leader of the free world. Our moral code and our spirit of friendly cooperation with other nations have been the keynote of this world leadership.

This spirit was not built by accident. It is one which needed the encouragement of dedicated people.

The education which produced our present leaders began when they were very young. So today, to educate our country's future leaders we must begin in their youth. The President has recognized this need to build in his proclamation of National Youth Fitness Week which began the 1st of May of this year.

To encourage youth fitness we must build both the mind and the body—best of all is the activity which builds them together. For girls between the ages of 10 and 15, one of the most attractive and enjoyable activities with this purpose is the Lassie Leaguers, which has its international headquarters in Worcester, Mass. This organization was founded in Pennsylvania in 1953, and moved its headquarters to Worcester in January 1959. It presently has franchised leagues in 10 States and some 10,000 girls are playing lassieball, over 1,500 of them in Massachusetts, which is a game similar to softball, and especially designed to suit the needs of girls in the 10 to 15 year age group. Its emphasis is on development of mind and body, without the pressure of all-out competition.

Any of my colleagues who have individuals in their States who wish to participate in this activity may write to Mr. Lawrence A. Bacon, the executive director, at the international headquarters of Lassie Leaguers, Inc., 18 Auburn Street, Worcester, Mass. Mr. Bacon will be pleased to provide the particulars of this game which is now achieving national recognition. Mr. Bacon is one of those dedicated individuals to whom the future of our present day youth is very important.

My colleague, the junior Senator from Massachusetts [Mr. KENNEDY] joins with me in paying tribute to this fine organization.

SALUTE TO THE LASSIE LEAGUERS

Mr. CLARK. Mr. President, today is Lassie League Day in Mahanoy City, Pa., and it is a pleasure to welcome to Washington and to the Senate galleries a group of young ladies who make up the Mahanoy City Lassie League, along with their team managers and officers, and some of their mothers.

Lassieball gives girls of 10 to 15 an opportunity to play a game similar to baseball, organized on the national level.

In a community like Mahanoy City, which is plagued by the economic problems that distress so many Pennsylvania areas, it is particularly important to have organized recreational activities providing constructive outlets for youthful energies. The adults of Mahanoy City who are devoting their effort and time to working with the girls of the Lassie League are to be commended on a worthy job, well done.

As a fan both of baseball and of girls, I look forward to a chance to see a game of lassieball. I am sure that irresistible combination makes it a delightful sport to watch.

I ask unanimous consent to insert in the RECORD the names of the members of this group.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

MAHANOY CITY LASSIE LEAGUERS

Lassie Leaguers: Gwen Eichman, Cathey Tierney, Monica Gabuzda, Audrey Palulis, Nelda Palulis, Sherry Gavel, Stephanie Perry, Donna Perry, Kathy Petrucka, Grace DiLabio, Ginny Butcavage, Victoria Pleszkoch, Judy Ulshafer, Marie Merinsky, Kitty Minnick, Andrea Geshan, Jean Elchisak, Janet Wirtz, Celeste Whalen, Kitty Green, Helene Starkey, Sonia Syzdek, Lucille Salvadore, Jane Dower, Carol Koval, Mary Jane Picciano, Barbara Nolter.

Managers of the teams: Mrs. Catherine McCann, Mrs. Eunice Palulis, Mrs. Anna Streisel, Miss Kathleen Paris, Miss Elsie Tolan, Miss Judy Boner, Miss Doretta Jones.

Mothers of the Lassie Leaguers: Mrs. Natalia Gabuzda, Mrs. Anna Merinsky, Mrs. Betty Nolter, Mrs. Eleanor Whalen, Mrs. Mary Geshan, Mrs. Helen Syzdek, Mrs. Arthur Picciano.

Officers of the Lassie League: Mr. Peter Mahalage, president; Mr. Edward Nahas, vice president.

PERU WINNING FIGHT AGAINST INFLATION

Mr. AIKEN. Mr. President, the United States is presently being honored by a visit from one of the most distinguished businessmen and statesmen of the Western Hemisphere. I refer to the Honorable Pedro G. Beltran, the Finance Minister of Peru. The manner in which Mr. Beltran is guiding the economic and political fortunes of his country is set forth in an article published in the New York Times this morning, entitled "Peru Scoring Against Inflation," and I ask unanimous consent that the article may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PERU SCORING AGAINST INFLATION

Although not quite a year old, the Financial Ministry of Pedro G. Beltran in Peru is attracting wide attention in financial circles because of the achievement of Peru's Prime Minister in halting inflation and bringing stability to the cost of living there.

A year ago, Peru's foreign exchange reserves were exhausted, the Government was living off freshly printed money, advances from the central bank, the international value of the Peruvian sol was deteriorating rapidly and the cost of living was soaring.

Senor Beltran took over the top financial job last July 20. There was no money in the till and Government employees were due to be paid in 3 days. He went to the central bank for the money, but it was the last time.

Senor Beltran brought to the Finance Ministry broad experience fed by years as an industrialist and an official figure. He served as Peru's Ambassador to the United States in 1944 and 1945. Among his business interests is the publication of a daily newspaper—La Prensa—in Lima. He resigned from the newspaper upon entering Government service.

The Beltran formula for breaking the inflation fever in which Peru was caught consisted of old-fashioned practices that smacked of austerity. Among them were these:

No more borrowing from the central bank.

Balancing Government spending with tax collections.

Permitting the treasury to have access to certain tax collections pending the time for their specially dedicated use.

Wiping out certain import subsidies—meat, for instance—that was bringing injury to Peru's livestock industry and other enterprises.

Tiding the Government over an initial period of financial stringency by borrowing money, not from the central bank, but from the public. A short-term loan amounting to 250 million soles (about $9 million) was floated successfully. Tax-free and bearing 10 percent interest, the loan was subscribed by more than 63 percent, even though industrial corporations were limited by allotment to the amount of notes they could buy.

OTHER COUNTRIES EYED

With Peru's foreign exchange reserves the highest since the spring of 1957 and with the sol stabilized at 27.40 to the U.S. dollar, against 31.50 to the dollar a year ago. Finance Minister Beltran is now shifting his scrutiny from Lima to major cities of the outside world, especially centers of capital export.

The reason lies in the fact that Peru needs investment capital from abroad—long-term loans as well as equity investment money. Internal loans—probably there will be more following the success of the $9 million short-term credit arranged last year—can promote financial stability, but the long-term capital that Peru needs to reform the nation's agrarian structure is not obtainable at home. Senor Beltran's present problem is to convince those who might supply foreign capital that the money will be safe working at long term in developing the Peruvian economy.

Agrarian reform and urban housing renewal are foremost among the priorities, as they are viewed from the perspective of Senor Beltran and other leading citizens of the South American Republic. Money outlays for such purposes are not self-liquidating and do not qualify for loans of the bankable type granted by the International Bank for Reconstruction and Development (World Bank) and by commercial lending institutions. Neither do such expenditures lend themselves to the loans generally extended by the Export-Import Bank, where money advances usually are related to export sales of U.S. equipment.

The Peruvian Prime Minister was interviewed here while en route to Washington, where he will address the Pan American Union tomorrow. He expressed the hope that Peru would be able to make a start in his administration toward financing agrarian reform and housing renewal. He said that Peru's greatest resource was her people and that the living conditions of Peru's masses must be improved if their productivity were to be enhanced.

The Beltran dream is resettlement of the mountain communities that are now getting a scanty living from shallow soil in altitudes of 10,000 feet or more. Most of these people could be resettled in the broad and fertile river valleys—those of the Apurimac and Urubamba, for instance—if connecting roads giving access to the rich valleys could be built and if the mass migrations could be otherwise financed by long-visioned capital.

VICE PRESIDENT'S DYNAMIC AND PRAISEWORTHY FOOD SURPLUS PLAN

Mr. KEATING. Mr. President, the proposal of Vice President NIXON to distribute food surpluses to hungry people all over the world is a wise and statesmanlike move. This suggestion represents a carefully planned initiative in the cause of peace. What could reveal more sharply the differences in United States and Soviet aims than this generous offer, made in the spirit of charity and of brotherhood?

While Khrushchev and his colleagues were scheming in the Kremlin to destroy the summit conference and raise cold war temperatures, the President and his advisers were drawing up an unprecedented offer for harmonious joint action to help less fortunate nations. Now the raucous, war-crazy voices from Moscow and Peiping have drowned out any hopes of United States-Russian cooperation in this humane venture. But for the United States and for such other free world nations which do produce surplus crops, the proposal is timely and promising.

A United Nations agency for distributing surplus foods would serve many good purposes. First, and foremost, it would ease the hunger pangs that, more than anything else, have inclined many poorer nations toward the false but alluring promises of Communists.

Second, it would show in a very tangible way the very real concern which citizens of this country feel for the well-being of all free world peoples. Third, it would exemplify the U.S. desire and ability to work through the United Nations harmoniously for the good of all people. Fourth, it would make clear, to put it bluntly, that the only food the Soviets have a surplus of is baloney. All this Communist talk about great strides forward in agriculture is, in fact, pure baloney, because the surpluses will not come from the boastful Communist lands, but from the United States and other countries where free enterprise continues to offer the best incentives for increased productivity. Fifth, although we might not relish the idea that some of our surpluses could go to Communist-subjugated countries, such assistance would, in reality, constitute a moral victory, since a fair, United Nations supervised distribution would make clear both the failure of Communist programs and the success and generosity of free world policies.

While the Communist countries feed the world nothing but propaganda, violence, and war, let us offer grains and foodstuffs to provide real nourishment where it is needed. If the way to a man's heart is through his stomach, let us not neglect this important channel.

The PRESIDING OFFICER (Mr. CLARK in the chair). The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, the Vice President's proposal represents the kind of bold, imaginative, positive action which is imperatively called for in the presence of the systematic and hard-hitting worldwide campaign of communism to extend the frontiers of tyranny. We must have such dynamic counteraction as this—we must set forth affirmative programs of this nature—if we are to cope successfully with the massive Red design to win the hearts and loyalties of men as a prelude to their enslavement.

Mr. President, I hope the Vice President's proposal will gain wide support. In a "bread for peace" program, all free world people can be winners.

TASK FORCE STUDIES OF AMERICAN STRATEGY AND STRENGTH

Mr. KEATING. Mr. President, I was delighted yesterday to learn about the task force studies recently released by a number of distinguished and very able Republican Members of the House. These studies seek to analyze and evaluate America's defense strategy and economic strength in the world in which we live.

Mr. President, I heartily commend the task force members and the many well-qualified academicians and research consultants who worked with them. I have read a summary of their study papers and task force report and am looking forward to the complete documents which, I assume, are now being released for general circulation.

It is, of course, necessary that America's political leaders, of both of our major parties, look to the future in a spirit of imagination and vitality, keyed to the challenges which face America and the free world. The leaders of our two great political parties are fully aware of this need. Perhaps this explains the strength and vigor of American democracy.

The Republican Party is sometimes criticized for a lack of planning—an inability to see and understand the handwriting on the wall, the events of the future. I think we can and have very emphatically repudiated this allegation.

Let me cite a few of the many examples of the ways in which the Republican Party has looked—and continues to look—to the future. President Eisenhower has just appointed a new council on national goals. This is indeed a most dramatic and far-reaching idea. It will certainly make America stronger.

The report by the Republican Council on Program and Progress headed by Charles H. Percy, now platform committee chairman for the forthcoming Republican Convention, recently released a series of forward-looking and dynamic studies and proposals. Gov. Nelson A. Rockefeller of my own State of New York has, through the Rockefeller Brothers Fund and his own research and staff efforts, produced some historical and abundantly sound recommendations for the future of our Nation.

The task force studies of the Republican Members of the House are a new and similarly clear affirmation of the Republican Party's vision and perspective.

Mr. President, I was particularly impressed with the House Republican task force study entitled "An Economy for the Long Pull" by Representative THOMAS B. CURTIS, of Missouri. This report is riddled with realism and is at the same time bereft of overambitions, promises, and generalizations. The author recognizes the hard facts which confront us. He is, in customary fashion, fully aware that these challenges cannot be met simply with glibness and a fine phrase. He points out that we need a very extensive defense force, that this will cost us a great deal of money and that the tax burden upon every American will not as a result be shortly and easily reduced.

Let me quote a number of excerpts from this particular report which illustrates the spirit in which this entire document is written:

> We can afford all the defense that is needed, if we will soundly finance the full cost. But critics who would increase defense spending should discuss the full price tag.
>
> There is no painless way to pay for preparedness. Increased tax revenues mean increased tax rates. Deficit financing means inflationary erosion of our overall economic position in world markets at a time when these markets are, in fact, a battleground, and at a time when our own balance of payments position has shifted downward.
>
> Elimination of waste is a goal toward which to work but not a panacea immediately available.

Mr. President, I hope that Members of this body on both sides of the aisle, and all informed Americans will read and think about all of the several House Republican task force reports. I certainly think that this is a fine and worthwhile endeavor and I wish to join in congratulating all those responsible.

RESOLUTIONS ADOPTED BY LONG ISLAND FEDERATION OF WOMEN'S CLUBS

Mr. KEATING. Mr. President, on May 20 of this year the Long Island Federation of Women's Clubs, representing some 60,000 women, held a convention in Rockville Centre. They have been kind enough to send me copies of resolutions adopted at that time, and at their request, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

LONG ISLAND FEDERATION OF WOMEN'S CLUBS CONVENTION RESOLUTION IN SUPPORT OF PRESIDENT EISENHOWER AT THE SUMMIT CONFERENCE

Whereas the Premier of Russia, Nikita Khrushchev, has for the past several years urged meetings of the heads of great states, known as summit conferences, to discuss and settle matters incident to world peace; and

Whereas such a summit conference was scheduled to open in Paris on May 16, with the President of the United States, Mr. Eisenhower; the Prime Minister of Great Britain, Mr. Macmillan; the President of France, Mr. Charles de Gaulle; and Mr. Khrushchev; and

Whereas, at or prior to the opening of such conference Mr. Khrushchev in a most reprehensible, vindictive, and scurrilous manner verbally attacked and derogated Mr. Eisenhower and demanded from him a humiliating and self-disgracing apology for the presence of a spy plane in Russia; and

Whereas it is a well-known fact that spying by whatever means is a universally accepted practice by all nations; and

Whereas the barbaric behavior of Mr. Khrushchev and his dishonorable attack on Mr. Eisenhower were of a nature unparalleled in modern diplomatic history; and

Whereas Mr. Eisenhower, in declining to demean his honor and his country's honor to the whim and anger of an upstart, boorish dictator, and in refusing to lower his dignity and his country's dignity to this humiliating demand, conducted himself in a dignified, honorable, and gentlemanly manner in the fullest and finest traditions of his country and its heroes, past and present: Therefore be it

Resolved, That the Long Island Federation of Women's Clubs in convention assembled this 20th day of May 1960 commend and uphold the President of the United States, Dwight D. Eisenhower, for his unremitting efforts in behalf of peace, for his honorable and dignified efforts to achieve peace through negotiation, and for selfless devotion to these continued efforts in the face of discouraging and adverse circumstances and sacrifices; and be it further

Resolved, That the Long Island Federation of Women's Clubs unanimously endorse and approve Mr. Eisenhower's refusal to lower his personal honor and his Nation's honor to this irresponsible demand, his honorable conduct in upholding the dignity of his high office, and his heroic refusal to lower the Stars and Stripes to the unreasonable demands of the tyrannical ruler of Red Russia.

PROPOSED RESOLUTION OF THE LONG ISLAND FEDERATION OF WOMEN'S CLUBS, INC.

Whereas in the preparation of income tax returns the head of the household is permitted to deduct a fixed sum for the expenses of a minor child; and

Whereas families of moderate circumstances are discovering that the cost of higher education has risen approximately 50 percent in the last 10 years to an almost prohibitive level; and

Whereas our Federal Government urges college, university, or other specialized training as a benefit to the Nation to the extent of postponing national military service until the successful completion of such education; and

Whereas it is manifestly unjust that deductions for the higher educational expenses of a dependent child are not allowed at a time when these tuitions represent a virtual family deprivation: Now, therefore, be it

Resolved, That the Long Island Federation of Women's Clubs, Inc., in convention assembled this 20th day of May, 1960, urge the immediate adoption of a law to exempt all higher education tuitions from all income taxation; and be it further

Resolved, That copies of this resolution be sent to the Secretary of Health, Education, and Welfare; superintendent of New York State Department of Education; chairman of the Finance Committee of the Senate and House of Representatives; and Commissioner of Internal Revenue.

PROPOSED RESOLUTION OF THE LONG ISLAND FEDERATION OF WOMEN'S CLUBS, INC.

Whereas widespread propaganda of Communist origin has been, and still is, aimed at the internationalization of the Panama Canal and the wresting of its ownership and control from the United States of America; and

Whereas radical elements in the Republic of Panama are carrying on active and highly provocative propaganda on behalf of fantastic demands for (a) further, and impossible annuity and other benefits, and (b) the impairment and practical destruction of the absolute and exclusive sovereignty, in perpetuity, of the United States of America over constitutionally acquired territory of the Canal Zone, and over the Panama Canal, constructed at the expense of the American taxpayer and maintained and operated by the United States of America on terms of equality for all nations as required by treaty; and

Whereas these agitations have as their purpose the liquidation or fatal weakening of such sovereignty altogether indispensable for the maintenance, operation, and protection of the canal, and this without the slightest suggestion of reimbursement to the United States of America for its vast investment in the canal enterprise: Therefore be it

Resolved by the Long Island Federation of Women's Clubs, Inc. (in convention assembled this 20th day of May 1960), That the recurring crises in relations between our Government and that of the Republic of Panama should receive immediately the most serious attention of our executive as well as our legislative bodies; and be it further

Resolved, That we urge both Houses of the Congress of the United States to proclaim by joint resolution the constitutional sovereignty of the United States over the Canal Zone, and to declare that the policy of the United States shall be not to surrender in any way, nor to compromise, U.S. jurisdiction over and control of the Canal Zone and U.S. ownership, control, management, maintenance, operation, and protection of the Panama Canal in accordance with existing treaty provisions; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, Vice President of the United States, Secretary of State, and Secretaries of the Senate and House of Representatives.

PROPOSED RESOLUTION OF THE LONG ISLAND FEDERATION OF WOMEN'S CLUBS, INC.

Whereas there is a perilous movement to repeal the Connally reservation which was incorporated by the U.S. Senate in the resolution of submission to the jurisdiction of the United Nations World Court in 1946. The Connally reservation reserves to the United States the right to determine what matters are within our domestic jurisdiction as determined by the United States; and

Whereas the majority of the nations subject to the World Court retain similar safeguards as the Connally reservation for the protection of their domestic affairs; and

Whereas the United States is entitled to have only one member at any time on the 15-member World Court, although there are now two representatives of Communist countries (Russia and Poland) now on the World Court, with no limit to the others which may be added from Iron Curtain countries with dissimilar ideas of justice; and

Whereas no Iron Curtain country will submit to the jurisdiction of the World Court, although they have judges on the Court; and

Whereas the proposed elimination of the Connally reservation, in the opinion of informed patriots, would mean a dangerous surrender of our sovereignty to an alien court with perilous consequences to our Nation and its citizens: Therefore be it

Resolved by the Long Island Federation of Women's Clubs, Inc. (in convention assembled this 20th day of May, 1960), urges the retention of the Connolly reservation as a vital safeguard to our Nation; and be it further

Resolved, That copies of this resolution be sent to the President, Vice President, Secretary of State, Attorney General, chairman of the Senate Foreign Relations Committee, and chairman of the House Foreign Relations Committee.

Mr. KEATING. Mr. President, it is not necessary to agree in every respect with the comments which the members of the federation make, but they have certainly performed a very useful service in furnishing to the Congress these well-thought-out resolutions.

PURCHASE OF FURNITURE FOR U.S. EMBASSY IN VENEZUELA

Mr. DIRKSEN. Mr. President, I should like to insert in the RECORD a letter in connection with the discussion which took place last week by the distinguished Senator from Wisconsin [Mr. PROXMIRE] and myself as to the allegations he made in the Senate with respect to the Mueller Metals Co., the president of which is the son of the Secretary of Commerce. One of the allegations was that the State Department had no authority to contract for the purchase of furniture for the new Embassy at Caracas. I have a letter from the Comptroller General addressed to the Senator from Wisconsin dated June 16, and I ask unanimous consent to have it printed in the RECORD at this point in my remarks. I am sure that the letter will close the whole incident and it will require and receive no further elaboration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 16, 1960.

B–142814.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to our letter to you of May 26, 1960, in reply to your letter of May 16, 1960, concerning the purchase of furniture for the Embassy office building at Caracas, Venezuela, by the Department of State from the Mueller Metals Corp.

In our letter to you of May 26, 1960, we stated in answer to your question No. 5 that we found nothing in Public Law 547, 79th Congress, or in the pertinent appropriation act which would authorize the Department to negotiate contracts for the purchase of furniture without advertising.

In view of the recent statements made on the Senate floor concerning the matter, we have reexamined the authority relied on by the Department of State to negotiate the purchase in question and we find it necessary to correct our answer to your question No. 5.

The authority originally cited by the Department of State for the negotiation of the purchase order involved was section 3 of the Foreign Service Buildings Act of May 7, 1926 (44 Stat. 404), as amended. Section 3 specifically authorizes the negotiation of contracts for "all work of construction, alteration, and repair" provided for in the act. It is our view this authority does not extend to the purchase of furniture.

The Department later cited Public Law 547, approved July 25, 1946 (60 Stat. 663). Public Law 547 authorized an appropriation of $125 million for the purpose of further carrying into effect the provisions of the Foreign Service Buildings Act. It was also provided that expenditures for furnishings from sums appropriated pursuant to the act should not be subject to the provisions of section 3709 of the Revised Statutes.

In authorizing the appropriation of $125 million, the Congress specified that $110 million of the total authorization should be available exclusively for payments representing the value of property or credits acquired through lend-lease settlements, the disposal of property abroad, or otherwise, and held abroad by the Government or owing the Government by any foreign government or by any person or organization residing abroad, which property or credits may be used by the Department of State for sites, buildings, equipment, construction, and leaseholds.

While Public Law 547 is primarily concerned with the payment for and use of foreign credits or property, it also authorizes an appropriation of $15 million for use under the Foreign Service Buildings Act for purposes other than the payment for foreign credits and property. In the absence of any legislative history showing a contrary intent, we must conclude that the exemption for purchases of furnishings from section 3709, Revised Statutes, under the 1946 act is applicable to all appropriations made pursuant to the authorization.

Accordingly, we are of the opinion that the Department of State did have authority under the exemption in the 1946 act to negotiate for the purchase of the furniture in question without advertising.

Copies of this letter are being sent to Senator DIRKSEN, the Secretary of Commerce, and the Director, Office of Foreign Buildings, Department of State.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, we plan to proceed today to the consideration of the Japanese Security Treaty in an orderly manner.

The distinguished Secretary of State, Mr. Herter, has advised us that the State Department considers ratification to be of extreme importance. The Senate will consider the treaty with great care and thoroughness. It is of importance that the world realize that we are neither going to accelerate nor delay the treaty because of events which have taken place in Japan. The treaty will be considered now as it would have been under any circumstances, upon its merits. I do not anticipate that there will be any serious difficulty, as I think most Members of the Senate feel that the treaty was well drawn in the mutual interest of both nations.

I understand that there are some speeches to be made today on other subjects, although the independent offices bill is the pending business. The minority leader has a policy meeting at lunchtime, but I wish all Senators to be informed. I ask attachés of the Senate to inform all Senators that we plan to proceed to consider the Japanese Security Treaty sometime during the day.

SPENDERS AND SAVERS

Mr. YOUNG of Ohio. Mr. President, none of us is immune from a certain amount of partisanship in interpreting the actions of the Congress and the Executive. It might be said that this is especially true when any analysis of the Federal budget is being made by spokesmen of one party or the other.

Recently, the Republican leader of the House of Representatives, Mr. HALLECK, in a speech in California accused the Democratic Party of wild spending. His reference was that the Democratic Party is the party of spenders. At just about the same day and hour, across the country, speaking in New Hampshire, the distinguished junior Senator from New York [Mr. KEATING] charged this Democratic controlled Congress with cutting too many billions of dollars from President Eisenhower's budget request for national defense and foreign aid programs.

Perhaps these two outstanding spokesmen for that Grand Old Party of which I am not a member should meet in the geographical center of the United States and agree on a joint statement which might possibly impress those Republicans who are presently confused over these conflicting statements.

However, Mr. President, regardless of partisanship, certain realities do exist. The fact is that during the first session of this 86th Congress, we cut over $1,300 million from the President's appropriation requests; this in addition to eliminating a $500 million appropriation that was requested by President Eisenhower at that time for fiscal year 1961.

Let us refer to facts demonstrated by the record made in this Democratic-controlled Congress. The record demonstrates that this Congress under Democratic leadership saved taxpayers that sum—$1,800 million—by appropriating that amount under President Eisenhower's budget requests.

Mr. President, in addition to the substantial saving of last year, the Congress, controlled by the Democratic Party, has sliced a total of $10,600 million from appropriations requested by President Eisenhower from fiscal 1955 through fiscal 1959.

I am sure that these savings of taxpayers' money were not the result of action by Senators on only one side of the aisle. It was an achievement for which all Senators and Representatives who so voted may take credit. In doing so, however, let us remember that it was the Democratic Party that organized this Congress under the magnificent leadership of Speaker SAM RAYBURN and of our majority leader, Senator LYNDON B. JOHNSON.

Incidentally, Mr. President, when General Eisenhower first became President our national debt was $265 billion. The annual interest charge on this was less than $6 billion. Government bonds were selling at par. This was the fiscal situation when Harry S. Truman retired from the White House.

After 7 years of the present administration, our national debt is $292 billion. Our annual interest charge is $9,500 million. Government bonds have been selling below par.

In connection with these figures it must be remembered that only one of the President's vetoes was overridden by the Congress. The responsibility for these increases cannot, therefore, be laid to the Congress.

Now, I ask, if a label must be assigned, which is the party of savers?

Mr. President, the great issues before us are not those involving "spenders" or "savers." The great and pressing issues are those involving the future safety, well-being, and economic growth of our Nation.

Much, if not all, of the cost of what is necessary to be done can be defrayed out of savings achieved through the elimination of current waste, duplication, and inefficiency in our sprawling Federal bureaucracy. Elimination of waste and duplication in our defense policy alone would result in savings of at least $5 billion annually.

Mr. President, in this election year I realize it would be foolhardy to call for an end to partisan statements. However, if these statements must be made, let them be based on the facts. A look at the record proves that actions of the Democratic Congresses from 1955 to date have saved American taxpayers billions of dollars.

HOUSTON, TEX.

Mr. JOHNSON of Texas. Mr. President, it is with a deep feeling of pride that I am privileged to call the attention of my distinguished colleagues to a notable achievement by one of the great cities of our Nation and one of the great cities of Texas—Houston.

This booming gulf coast port, industrial and agricultural center, has demonstrated a record of growth and of civic vitality that places Houston virtually in a class by itself.

Census Bureau figures show that since the last population count in 1950, Houston has leapfrogged eight other great metropolitan centers of the United States.

Fourteenth in size a decade ago, Houston now ranks No. 6 in the Nation.

The latest count shows that Houston has a population of 929,991, an increase of 56 percent over the tally of 1950.

In 10 years—in moving from 14th to 6th place—Houston has advanced in population ahead of Milwaukee, Pittsburgh, San Francisco, Boston, Washington, D.C., St. Louis, Cleveland, and Baltimore.

This great city is now riding hard on the heels of Detroit, Philadelphia, Los Angeles, Chicago, and New York.

The record of Houston in the last 10 years offers a factual answer to the cynics who say that America is old, that America is tired, that the age of our growth has ended.

Demonstrated in the growth of Houston are the qualities that have made—and will keep—America great. It is with confidence that I predict that in the 10 years ahead—by 1970—Houston will have demonstrated equal or even greater growth than it has in the decade just ended.

AMERICAN STRATEGY AND STRENGTH AND THE NATIONAL PURPOSE

Mr. SALTONSTALL. Mr. President, yesterday's CONGRESSIONAL RECORD includes a series of insertions relating to America's strategy and strength. This group of excellent statements is the work of a task force appointed by the chairman of the Republican policy committee of the House of Representatives, Representative JOHN BYRNES, of Wisconsin.

The study group itself was headed by Representative GERALD R. FORD, JR., of Michigan. The so-called Task Force Report is a commentary on the challenges we face and our preparedness—present and future—to meet them—U.S. public strategy in the latter 20th century. It is based on 21 background papers contributed by Congressmen, academic authorities, and Government leaders.

The whole project represents a positive effort to depict the great issues of our times in a thoughtful, objective, constructive manner; and to consider carefully the resources and the mechanics through which they can be utilized. Particular emphasis is placed on the relativity of our capabilities to those of the Soviet Union. But the Ford report also is a valuable guide to the absolute strengths of our system, and how they can best be sustained for the future.

It is a forward-looking report, measured and thoughtful; not shallow, negative, or hysterical. It is not bipartisan, since the project was conceived and executed by the House G.O.P. policy committee, but it is nonpartisan in that its motivation and tone are essentially not political. I believe that this is the kind of study which honestly and profoundly serves the national interest. It is a standard for depth analysis and positive conclusions which can be used by all American citizens interested in either studying or solving the public problems of our times.

I have read certain newspaper accounts describing the Ford report both as an answer to Governor Rockefeller's recent public statements and as a prelude to the 1960 Republican Convention platform. This dual characterization seems to be based on the fact that Vice President NIXON has given his support to the overall purposes of the project and that G.O.P. Platform Chairman Charles W. Percy is impressed by its findings. I feel that such a description of the Task Force Report misses the basic point; that this is an effort devoted to the larger purpose of understanding the core of our survival. Of course it is helpful if this can be directed to more limited and specific objectives also.

The various segments of the continuing nationwide debate on our national purpose has focused on many aspects. I feel that this spontaneous, informal, varied self-appraisal is a very helpful institution—the hallmark of a free society—and I believe that the Ford report comprises a valuable contribution to this debate.

Obviously there are many dimensions to our national destiny. We have heard about leadership, religious strength, public awareness of traditional ideals, and so forth. I believe that the national purpose is intimately related to the national vitality. Our health, our future, our survival depends on a vigorously inquiring populace, a populace concerned about the great challenges of the age and dedicated to contributing to their solution, each according to his own individual abilities. Our electorate must be critical without being destructive, aware without being desperate, self-confident without being complacent. We must resist the shallow temptation to oversimplify and distort for the purposes of vested interest, whether it be political, economic or social.

The principal issue before America in the 1960's is whether a society which is dominated by a large and powerful Central Government and by a huge and unprecedented wealth can sustain the strength and stamina of her great ideals—intellectually, spiritually, and physically.

In my opinion, the House Task Force Report contributes substantially to the objective of national vitality and alertness.

At the present moment in the struggles of the cold war, we are perhaps discouraged at the collapse of the summit conference and the recent events in

Japan which prevented the visit of President Eisenhower during his otherwise triumphal tour in the Far East. I believe that these developments underscore two points which particularly attracted my own attention in the House study of American strategy and strength. These are, first, that we must emphasize the long-term realities rather than short-sightedness; and, second, that "survival only" as a national policy is a dangerous and introverted strategy largely unaware of the basic problems of the world today.

Here I would like to mention two critical aspects of public policy with which Congress is dealing at this very moment. Recently the Senate passed a $40-billion plus defense appropriations bill, which has now gone to conference. The Senate added more than $1 billion in excess of the President's request, believing that a new aircraft carrier was needed, that the B–70 supersonic bomber's development should be funded, that more money should be allowed for the Bomarc antiaircraft missile program, that modernization of our land Army's weapons should be speeded up, and so forth. These objectives are very worthy and as we heard on the Senate floor during the debate of this measure, "there can be no price tag on freedom." But there is more to the picture than this—there is more to the business of preserving freedom and guaranteeing security, and we must be aware of the long view and the broad view as we approach this greatest question of public policy.

For instance, the House study points out that military power in the final analysis must be based on economic power—on sound monetary and overall economic policies. The full view demands practical understanding of this. So as we consider the uses of money in any given direction, we must consider also the stamina of that money's value—our overall economic soundness for the long haul.

Second, I would like briefly to call attention to the mutual security appropriations bill recently sent over to the Senate of $3,584,500,000—$590,500,000 below the President's request, but well below threatened cuts of up to $1½ billion. I hope that in its final consideration of this measure, Congress will demonstrate its awareness of the full challenge before us and further reduce the cuts which have taken place. Our security is imperatively involved with the plight of the rest of the world. First, we cannot stand alone against the threat of a united Communist bloc. Second, we must act to reduce the huge causes of international strife, discontent, and threatened nuclear annihilation. This can be done by helping to reduce poverty, disease, and human frustration in the less-developed areas of the world and by assisting their peoples in gaining dignity, self-respect, and international recognition. The strong and free nations must help to bridge the world's social and economic gaps. Mutual security is a major means of public policy to accomplish this. Here again is the broad view.

I am grateful to those who prepared background papers for the study of America's strategy and strength, and I compliment those House Members who have worked 4 months toward its successful completion.

TRADE WITH FINLAND

Mr. JAVITS. Mr. President, as one who has long been an advocate of expanded world trade, I call attention to the noteworthy strides that have been taken by Finland in setting the stage for increased mutually beneficial trade with the West and the United States. This small nation of 4½ million people is well known to all of us for at least two important reasons: for paying its debts and for fighting valiantly for its independence. It is not so well known that Finland is a constitutional democracy, in which the traditions of freedom and individual liberty, as they are in the United States, serve as cornerstones of a private enterprise system.

Early this year the Finnish Government modified trade restrictions so that the United States can now sell more goods to Finland. Other significant steps, such as liberalization of currency restrictions, have strengthened consumer buying power and have provided the opportunity for increased trade between our two democratic countries.

It is worth pointing out that the Government of Finland has never solicited aid, grants, or gifts from any country—nor has it received any. Only on a strictly business basis has Finland entered into loans which she has received from this country or from international banking institutions; and, as has been her custom, Finland is repaying such obligations.

The vitality of Finland's way of life was dramatically exemplified when this small country harnessed its resources to pay in a relatively short period about $650 million in reparations to Russia after World War II. This tremendous burden was met and overcome by the determination and perseverance of the Finnish people.

Though located on the very border of Communist Russia, Finland's private economic system serves as a meaningful symbol to all mankind. Clearly, this is a country which deserves our esteem and our cooperation. Its economic life is no longer one sided. The leadership of the forestry and paper industries is being followed vigorously by Finland's metal and manufacturing industries in establishing themselves on a world market level.

In this connection, a report has been published expressing concern that American businessmen today are not sufficiently aware of the opportunities for profitable trade between Finland and the United States. I ask unanimous consent to have printed in the RECORD pertinent excerpts from an article entitled "Finnish Trade Turns to West," written by Frank C. Porter, and published in the Washington Post and Times Herald, June 8, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FINNISH TRADE TURNS TO WEST—BUT U.S. MISCONCEPTIONS HURT

(By Frank C. Porter)

A Finnish trade representative approached a large American women's magazine. Could arrangements be made, he asked, for qualified Finnish products to display the magazine's consumer research seal of quality?

No sir, the magazine replied. After all, was not Finland a Soviet satellite?

Another Finn visited a leading U.S. textile firm, proposing that some of its products be manufactured under license in his country. He was turned down flatly on grounds that Finland is a member of the Russian trade bloc.

These and countless similar rebuffs have deepened the quandary of the brave little country that won U.S. hearts by holding Russia's military might at bay for months in 1939.

Despite her traditional resistance to encroachments by her huge neighbor, Finland finds herself sometimes labeled a Soviet bedfellow. And nowhere is the misconception more widespread than among American businessmen, with whom the Finns would like to trade.

The misunderstanding stems from the post-World War II peace treaty which forced a Soviet trade partnership on the Finnish people. Finland was required to pay the equivalent of about $650 million in reparations—roughly one-fifth of its annual gross national product—and virtually all of this was in the form of exports to Russia.

The Finns also recognized that they could not afford to join any alliance which might be hostile to Russia, and thus passed up membership in NATO and similar groups. At the same time, if Finland appeared to step out of line, Russia could put the squeeze on her by worsening the terms of their trading relationship.

A decade ago, there were dire predictions that Finland could never stand up under such pressure, that it would slip to the slave status of a Hungary or a Czechoslovakia.

But the reverse has been true. Although some 50 of the 200 members of the Finnish Diet are Communists, the rival Agrarian Socialist and Conservative Parties have worked effectively to keep the cabinet free of Reds.

Equally important has been Finland's growing independence in the economic sphere. She paid off all Soviet reparations within 4 or 5 years and since then has been steadily strengthening her trade ties with the free world, particularly with the other Scandinavian countries and Western Europe.

Part of Finland's increased trade appeal in non-Communist markets is due to its rapid diversification. Until recently the country was limited by largely a forest economy—timber, pulp, paper, and other wood products. In later years, there has been a great increase in metalworking, heavy machinery, textiles, agriculture, and crafts. Forest products made up 91 percent of exports in 1952; since then they have declined to 73 percent while metal and engineering exports have quadrupled, agricultural exports nearly tripled.

Finland is particularly noted for its artistic work in furniture, glass, and architecture.

American friends of Finland insist U.S. businessmen are passing up not only a growing source of imports but a promising market for American goods as Finland continues to improve its reserves of free world currencies.

KHRUSHCHEV'S BLUEPRINT FOR CONQUEST

Mr. MARTIN. Mr. President, I have come across a very interesting and informative discussion that I know will be of great interest to all Members of Congress at this time. It is contained in the June 1960 issue of Air Force in the form of a special report, and I ask unanimous consent to have it printed at this point in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Communist propaganda apparatus made it appear that Soviet Premier Khrushchev delivered a disarmament address to the Supreme Soviet early this year. In fact, what Russia's top government body heard was—

KHRUSHCHEV'S BLUEPRINT FOR CONQUEST

As 1960 dawned, some Western analysts still were describing Soviet military developments in terms of factors the Communists long ago relegated to Orwell's "memory hole of history." They maintained that Soviet reliance on mobile infantry—the predominating practice before the advent of nuclear weapons—was likely to continue to prevail in the missile-space age. They argued that the Soviets still adhere to the strategy of the counteroffensive embraced by Czar Peter, Kutuzov, and Stalin. According to them, Asia and Africa, conquerable through infantry invasions, would remain the principal targets for Soviet conquest—even in the 1970's. Soviet missiles would serve to deter U.S. interference should Communist troops attempt to conquer Burma or invade Ghana.

Although these analysts admitted the possibility of a war "of desperation" against the United States and her NATO allies, they ruled out deliberate Soviet resort to total war to plant the red flag of communism over all world capitals. If, somehow, the Soviets should be forced into all-out war, doctrinal commitment to the importance of occupation still would govern Communist military strategy. One has gone so far as to argue that the U.S.S.R.'s massive numbers of ground troops would then be transported by rockets to carry out transoceanic invasions and occupy the United States.

Against this farrago of western sovietology, Nikita S. Khrushchev, on January 14, 1960, personally disclosed 13 new concepts in Soviet military doctrine. The nature and role of the Soviet military establishment, as Khrushchev described it, bears little resemblance to the wish-dreams indulged in by experts unskilled in looking forward. Khrushchev, of course, envisages a "strike-the-United States-and-NATO-first" strategy. And he does not intend to march troops across the Bering Straits and down the Mississippi Valley, let alone drop them from rockets like manna from heaven.

Khrushchev made his disclosures in a speech to the U.S.S.R. Supreme Soviet—a high-level body to which, theoretically, he must account. In the same speech, he said that the U.S.S.R. possessed the capability in being to implement the concepts he had enunciated. Some Western observers have, quite rightly, accused him of exaggeration on this point. But the best evidence indicates that the Soviets are converting their force structure as rapidly as possible to one which meets the requirements of the nuclear age and of continuing advances in technology. Present Soviet capabilities have been dismissed too lightly and too often.

There have been earlier indications that Soviet military doctrine was undergoing drastic revisions. Yet future historians are likely to describe Khrushchev's innovations as a turning point in Soviet military history. For the first time since securing his position as absolute dictator, he revealed that, like Stalin, he had assumed the role of the final authority on military doctrine.

Undoubtedly, Khrushchev, in formulating his doctrinal concepts, sought the advice of his military high command. However, in public at least, all of them—including Minister of Defense Rodon Y. Malinovsky—have been reduced to a position of endorsement and implementation. And there are indications that, like Stalin, Khrushchev has forced his military commanders to carry out his orders, turning a deaf ear to protests and objections from some of them. He is demonstrating the total Bolshevik ruthlessness characteristic of his predecessors and is directing all efforts toward the urgent business of communizing the world.

The 13 Soviet strategic concepts Khrushchev disclosed are:

1. Weapon systems capable of defeating the United States and completing the world revolution exist for the first time—nuclear/thermonuclear firepower plus superior delivery vehicles.

2. The rest of the world will surrender automatically if the United States has been conquered. Steps are being taken to translate into reality Marx' dream of a rapid revolution resulting in Communist domination of the world.

3. All types of surprise and all their components have assumed new and perhaps decisive significance—in the initial phase of the war and in all subsequent phases.

4. Timing surprise is a factor governing all phases of strategy, tactics, training, and organization.

5. Initial surprise blows will take the form of rapidly executed missile salvos; the prime objective will be to destroy the bases of the enemy's retaliatory forces first.

"Our armed forces * * * have been transferred over to missile-nuclear arms. These arms have been perfected and will continue to be perfected. * * * Potential depends on total firepower and means of delivery. * * * The Soviet military establishment now has delivery systems and firepower never before possessed." (Khrushchev, Jan. 14, 1960.)

6. Targeting of the initial ICBM strike and threats of follow-on strikes by delivery systems with a recall capability are expected to deter enemy retaliation. Despite these measures, retaliatory strikes still could occur during the first hours of the war. Therefore, should they eventuate, steps are being taken to minimize their effectiveness and to absorb inevitable resultant damage.

7. To absorb enemy retaliation, trained reserves prepared for instant mobilization will fight at home, performing missions of population defense and control.

8. Advantages gained in the initial strike must be exploited by follow-on strikes on key industrial targets and other strategic centers. A mixed-force structure of missiles, aircraft, and, ultimately, space-weapon systems, will be used to maximize surprise in the second strike and in subsequent strikes.

9. ICBM's and IRBM's must be based to ensure 360 degrees coverage of the earth's surface. Proper basing arrangements permit such coverage from sites on Soviet-controlled territory.

10. Concepts of ground operations have been adapted to missile/nuclear warfare—firepower conquers and ground forces occupy, to accept surrender and supervise installation of Communist regimes.

11. Constant and intensive research and development is required to maintain a winning force structure in the face of rapid technological advances.

12. Leadtimes must be pared to the minimum to insure technological surprise and to meet continuing requirements for combining all modern arms.

13. No obsolescent weapon systems will be tolerated, now or in the future.

"Modern missiles can destroy the selected target with the first salvo. * * * A missile salvo has enormous power, exceeding the total power of all explosions which have occurred on earth during all the wars in the history of mankind." (Maj. Gen. G. I. Pokrovsky, Mar. 9, 1960.)

In enunciating these 13 strategic concepts, Khrushchev and high-level Soviet military leaders have left no doubt that they envisage a decisive war ending in global communization. They are inspired by this vision of future war:

Mass use of nuclear weapons of all yields and types and employment of delivery systems with global range and a capability to be switched rapidly from one theater to another will characterize the entire war.

Surprise of many types will govern both strategy and tactics throughout the conflict.

War will start with massed attacks by missiles with nuclear warheads to knock out the U.S. strategic striking forces.

Threat of a second strike can deter us from retaliation, or a second strike can be launched from hidden bases to take out remaining military capabilities with spillover to population and industrial targets.

A third strike could be used to increase destruction to the level of genocide or, in the form of threat, could serve to include surrender followed by the installation of a Communist regime.

Firepower will be redirected quickly, by threat or employment, to induce the capitulation of nations allied to the United States as well as the surrender of underdeveloped and neutral nations. In all cases, conquest will serve as the prelude to communization.

"The Soviet Union is militarily the most powerful state in the world." (Khrushchev, Mar. 1, 1960.)

After nuclear strikes, regular ground forces will occupy areas easily accessible to them. Areas less accessible to ground forces will be occupied by irregulars—guerrillas and local revolutionaries—assisted where practicable by airlifted Soviet cadres.

In the Soviet homeland, reserves will perform cleanup and disciplinary missions.

The Communist propaganda apparatus has applied characteristic and skillfully worked-out methods to conceal Khrushchev's doctrinal innovations and to convince the world that his speech to the U.S.S.R. Supreme Soviet—where he initially disclosed his strategic plan—was a "disarmament" speech and another Soviet move in the interests of peace.

Despite Communist concealment efforts, even superficial examination of Khrushchev's remarks and subsequent statements by Minister of Defense Malinovsky, Air Force Commander in Chief Vershinin, Marshal A. A. Grechko, and other high-level Soviet military leaders reveals the true nature of the Soviet military "new look."

Thirteen implications affecting free-world security may be derived from the 13 newly disclosed Soviet strategic concepts. What are these implications?

1. The Soviets have added a new dimension to their spectrum of conflict weapons. Possession of nuclear firepower means that Soviet capabilities to mount a surprise attack on the United States, and thereby to conquer the world, have been increased by a quantum jump. The U.S.S.R. is acquiring a set of weapon systems based on nuclear firepower and characterized by the following advantages:

Global coverage.

Ability to shift rapidly from one target to another.

Flexibility of levels of destruction, which now can be tailored to suit the target.

Surprise potentials.

"In the * * * competition with capitalism * * * the question of the time factor, of gaining time * * * is the main question." (Khrushchev, Nov. 28, 1959.)

Material and psychological impact in combination.

Effectiveness for cheap world conquest, particularly if utilized in the absence of a free-world capability to survive the first strike with adequate retaliatory forces.

In brief, the Soviets estimate that proper utilization of nuclear weapon systems will furnish the means required to carry out their fundamental ideological commitment: bringing the entire world under Communist domination.

2. Khrushchev never tires of assuring us that this doctrinal commitment remains unchanged. He says that the Soviets have stood and will continue to stand like a rock on the principles of Marxism-Leninism, that there can be no coexistence on questions of ideology; that capitalism is historically doomed; that he will bury us. Furthermore, since his return from the United States, he has iterated the orthodox doctrine that war is required for Communist conquest of the most powerful non-Communist states.

Khrushchev also frequently reminds us that a third world war would result in the destruction of capitalism, but that, meanwhile, communism and its home base—the U.S.S.R.—would survive. He adds that the U.S.S.R. is capable of absorbing the losses caused by U.S. nuclear retaliation.

3. The Communists consider the United States, the chief capitalist power, to be the principal enemy. They believe that if North America goes, the rest of the world will capitulate. Initial massed missile salvos would hit both the U.S. zone of interior and our oversea bases, and affect non-American populations.

Conquest of NATO, SEATO, and CENTO nations would be simplified in the wake of the disruption of communications, command, and control which would result. Domination of South America, Asia, and Africa would be accelerated by utilizing a combination of indigenous revolutionary forces and guerrilla units, both striking under the shield of Soviet missile threats.

4. The key to successful nuclear war is to avoid harm to oneself. Minimizing expected retaliation has created a Soviet doctrinal requirement for maximizing all types of surprise. Since the weapon systems involved in the first exchange are ICBM's, the initial blow assumes new importance. Moreover, deterrence of a retaliatory strike may be achieved by launching or threatening to launch follow-up strikes. Absorption of retaliation also is possible; effective military and civil defense and population control will reduce considerably the impact of expected retaliatory blows. Radiological prophylaxis will be accomplished by preplanning and executing well timed decontamination and evacuation measures. Population control and panic prevention measures will include dispersing or sheltering essential cadres, furnishing medical care, prepositioning food and water, and exploiting previously carried out conditioning designed to reduce fears of fallout.

"The central task and the supreme form of revolution is the seizure of political power by force of arms and the solution of problems by war." (Mao Tse-Tung.)

5. Despite the new importance attached to the initial surprise blow, the Soviets remain committed to the idea of the necessity to combine all arms, nuclear and nonnuclear, military and psychopolitical. A winning strategy depends upon follow-on strikes to exploit opportunities resulting from the initial success. Such blows are designed both to complete conquest of the United States and to expand the war in other theaters. To be effective, such blows depend on preservation of a second-strike missile capability through the phase of U.S. retaliation. Furthermore, other strategic systems must be utilized in combination with missiles, and military success must be exploited through occupation.

6. To meet these requirements, the Soviets, in true dialectic fashion, have synthesized all other weapons in the spectrum of conflict with nuclear/missile systems which form the core of their military and psychopolitical power.

7. Consolidation of the gains from the war will pose stringent postwar demands on the Soviet leadership. The concept of a citizen's army of trained reserves is based, in part, on the necessity to preserve the means to carry out postwar demands on the capital of world communism.

8. The Soviets already have made the decision to prepare themselves to retain, at all times, the option to attack. Orthodox doctrine requires the exercise of extreme caution on the eve of the final showdown with capitalism, and the enemy must be softened up before the attack. The softening-up process has taken the form of the current intensive Communist effort to convince the West of the necessity for disarmament, a nuclear test ban, peaceful coexistence, and interminable negotiations on other outstanding issues such as Berlin.

The purposes of these moves are: deception concerning actual intentions, paralyzation of Western leadership and initiative, isolation of the United States from its allies, and a gain in time to increase Soviet force superiority.

The Soviets believe that the greater the success of these degradation tactics, the less the risk involved in launching an attack.

"Missile forces are undoubtedly the main type of our armed forces. However; it is not possible to solve all the tasks of war with one type of troops. * * * In a modern war, to carry out military actions successfully requires unified use of all means of armed combat, combining the efforts of all types of armed forces. * * * In organization and means of action * * * military operations will little resemble those of the last war." (Malinovsky, Jan. 14, 1960.)

9. A decision concerning timing of the initial surprise strike could be made any time that requisite strength has been achieved. Precisely when the strike will be launched will depend on Soviet assessment of the success of degradation moves, the balance of forces, and the status of training, as well as on evaluation of the effectiveness of preattack preparations, including Soviet salvo capabilities. United States alertness, if extant, could cancel out a Communist decision to exploit a superior strength ratio which was purely statistical.

"If anyone in the West imagines that the status of the Soviet economy does not permit the maintenance of the military establishment required * * * then so much the worse for those who think so. * * * It should be clear * * * that if an increase in expenditure for the maintenance of the armed forces [is required], our budget and our economy would make it possible to allocate extra tens of billions of rubles." (Khrushchev, Jan. 14, 1960.)

10. Possibilities of further new advances in technology introduce further uncertainties which the Soviet planners must take into account. In order to eliminate the possibility that the United States might achieve technological surprise, the Soviets are applying their degradation tactics in an effort designed to commit us to a completely predictable program of technological progress.

11. The Soviets have taken further steps to nullify all uncertainties by commitments to a broad and intensive spectrum of R. & D. efforts, by announced intent to win the leadtime race, and by planning operations around a program of continuous phaseout of all obsolescent weapons combined with phasein of new ones. They have the necessary technological know-how, raw materials, funds, and motivation to come up with imaginative new weapon systems, and Khrushchev has announced their R. & D. intentions. He told the Supreme Soviet:

"The armament which we now have is formidable armament. The armament under development is even more perfect and more formidable. The armament which is being created and which is to be found in the folders of the scientists and designers is truly unbelievable armament.

"We deploy our missile complexes in such a way that duplication and triplication is guaranteed. The territory of our country is huge; we are able to disperse our missile complexes, to camouflage them well. * * * If some weapons * * * were put out of commission one could always send into action weapons duplicating them and hit targets from reserve positions." (Khrushchev, Jan. 14, 1960.)

The Soviets have become technocrats and are intensely preoccupied with firepower. It would be a mistake to interpret Khrushchev's warning exclusively in terms of new delivery systems. For a nation committed to global conquest, a nation which has already impacted the moon, delivery systems cease to be "unbelievable." Khrushchev may very well be referring to a new type of firepower.

12. If the Soviets find they cannot insure victory by military means, they will continue to employ psychopolitical measures to lull the West to sleep, to induce us to abandon our missiles and nuclear weapons, and to slow down our R. & D. effort even more. Meanwhile, they will be preparing to strike a few years later with new weapons furnishing a capability for even more effective technological surprise.

13. If current degradation tactics succeed, the Soviets could complete the world revolution at minimal cost resulting from retaliation. U.S. alertness, as well as our deterrent and retaliatory capability, would virtually disappear if the Soviets were able to cheat on nuclear disarmament and test-ban agreements, if any are made. Communist doctrine teaches that agreements of all types must be signed "whenever life and the interests of the cause demand it" but should be broken without notice whenever they cease to serve the interests of the global revolution.

Missile delivery systems coupled with nuclear firepower have confronted the leaders of the world Communist movement with the most difficult military problem they—or others—have ever faced. On the one hand, weapons in being promise an initial opportunity for completing the world revolution once and for all. But on the other hand, global conquest is impossible unless Western alertness to the true intentions of the Communists is minimized and U.S. strengths degraded to a point where the risks of retaliation become negligible.

"Present-day ballistic missiles guarantee a high probability of inflicting powerful strikes simultaneously on a great variety of targets * * * to redirect firepower quickly, shifting the decisive thrust from one target or one theater of operations to the other, and by means of massed nuclear strikes to * * * change the situation to one's own advantage." (Malinovsky, Jan. 14, 1960.)

If they wish, citizens of the United States—and of the entire free world—can assist the Communists to gain global domination. The requirements are simple and easy to execute. They can continue to be apathetic toward civil defense and disinterested in effective utilization of our own potential and actual strengths. They can be reluctant to pay for effective missile hardening, and for airborne alert. They can attack proposals to accelerate the phase-

in of second-generation ICBM's and to surge forward with the nuclear aircraft program. They can join groups supporting a nuclear test ban à tout prix.

In the process, they will give the Soviets new basis for their contemptuous assessment that the balance of power is shifting to favor the Communist camp. They will reinforce the Soviet belief that the free world can be deceived about true Communist objectives and has been deterred from taking effective steps to prevent global takeover.

We are confronted with an enemy born and bred on violence. Khrushchev and his henchmen have been utterly explicit about their intentions. Eventually, we will have to face the final showdown.

We have danced too long and too ceremoniously in the heiau of "horrors of nuclear holocaust," proffering our military superiority and moral strength on the altars of "negotiation," "disarmament," and "coexistence." The god we are worshiping is one the Communists neither recognize nor fear—the false god of international "togetherness" who, by accepting our sacrificial offertories, assists the Communists without realizing it.

"Flying machines piloted by man have been mechanized, semiautomated, and, finally, fully automated and integrated with missiles. Air Force personnel * * * will be required to learn to use the new, more perfect, and hence more complicated airplanes." (Vershinin, Jan. 19, 1960.)

URGENT NECESSITY FOR INEXPENSIVE METHOD OF CONVERTING SALINE AND BRACKISH WATER INTO FRESH WATER

Mr. WILEY. Mr. President, we are approaching a strange, new day in our land when we must create a planned sufficiency of water, rather than passively enjoy a natural abundance of this precious resource. This is the carefully substantiated prediction made in a recent staff study conducted by the Select Committee on National Water Resources of the Senate. This study further indicates that the national water requirements by 1980 will closely approximate the supply of 600 billion gallons per day, which is our estimated present limitation. This amount, incidentally, represents about half the total outflow of all the rivers in our country.

Secretary of the Interior Fred Seaton, as well as other qualified sources, have recently emphasized that the United States will have to turn to the ocean for our water supply by the year 1980—if consumption of this precious resource continues at the present rate.

Mr. President, we know that a vast amount of research is currently being done and that a number of water resource agencies and research centers are putting to work more scientists and engineers who can provide the type of research information that is needed. The vital question facing our country is: Can they come up with the necessary answers in time? The Nation is rapidly approaching a period when we will need and use all the water we can possibly get from every conceivable source.

Recognizing this important fact, I recently joined in sponsoring proposed legislation to carry forward the program to find more inexpensive ways of transferring saline, or brackish, water into water suitable for industrial and other consumptive purposes. The bill S. 3446 would authorize the Secretary of the Interior to negotiate contracts with public-owned organizations for the use of saline water conversion plant facilities in order to further the research and demonstration programs now authorized. Preliminary hearings on this legislation have already been held by the Senate Committee on Interior and Insular Affairs and it is my understanding that it is scheduled to be considered in executive session by that committee today.

Experts generally agree that low-cost conversion of saline and brackish water is a goal that can be achieved. Future conversion processes—which would be aided in development by the proposed legislation—hold promise of the attainment of a major breakthrough in turning sea water into fresh water so that the cost will eventually be lowered to less than 50 cents per 1,000 gallons. This figure favorably compares with the present average cost of water in the United States of 30 cents per 1,000 gallons.

Believing it to be essential that the Senate Committee on Interior and Insular Affairs take early action to report out the bill S. 3446, so that this important program can be effectively continued, I recently contacted its distinguished chairman, the senior Senator from Montana [Mr. MURRAY], in this regard. I ask unanimous consent that the text of my letter to the committee be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to respectfully urge early and favorable approval by your committee of S. 3446.

As you know, this legislation—if enacted—would authorize the Secretary of the Interior to negotiate contracts with public owned organizations for the use of saline water conversion plant facilities to further the research and demonstration programs now authorized.

As you recall, the Secretary of the Interior has stated that the United States will have to turn to the ocean for water by 1980; but has added that future conversion processes hold promise of developing entirely new methods which may permit the attainment of a major breakthrough in turning sea water into fresh water so that the cost will eventually be lowered to less than 50 cents per 1,000 gallons. Although a vast amount of research toward this objective is currently being done, the vital question is whether or not such research information can be supplied by the time that it will be urgently required.

It is my understanding that hearings have recently been completed by the Subcommittee on Irrigation and Reclamation, of the Committee on Interior and Insular Affairs, on this measure which I have been happy to cosponsor. It is hoped that your committee will take action to issue a favorable report on the bill as soon as possible.

With best wishes, I am
Sincerely yours,

ALEXANDER WILEY.

THE MEANING OF MATERIALISM

Mr. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD a lecture on the meaning of materialism delivered by the Reverend Francis J. Conklin, S.J.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

In the preceding lectures we examined the meaning of Hegel's philosophy and came to an understanding of the word "dialectic." The philosophy of communism is classified as dialectical materialism. We must now explore the meaning of the word "materialism."

Karl Marx began with the fundamental premise that matter alone exists. To understand why this seemed so self-evident to him one must understand a bit of Marx's background.

Marx began with a false philosophical dichotomy. He believed that philosophers were easily categorized into idealists and materialists, and that one must choose either horn of this dilemma. Idealism for Marx represented the unreal so he chose materialism.

While writing his doctorate dissertation at Jena, Marx brought forward two ideas that were to permeate all of his philosophy. The dissertation compared the materialism of two Greek philosophers: Democritus and Epicurus. For Democritus, everything was fixed and unvarying. The world was composed of nothing but atoms and a void. These atoms fell in straight lines and predetermined all else. For Epicurus, only atoms and the void existed, but the atoms were endowed with an active principle. They were free to go where they wanted. Marx favored this more active type of materialism because it allowed room for free will and for hope in the fight against entrenched religion and authority.

Marx attended the University of Berlin shortly after the golden age of idealism closed with the death of Hegel in 1831. For those attending the university no middle course lay open between idealism and materialism, and in that context materialism was the inevitable choice for progressives. This intellectual situation had political and religious implications for the leftwing Hegelians as we mentioned previously. Consequently, it should come as no shock to find that Marx terminates his doctorate dissertation with the words of Prometheus: "I hate all the gods."

Marx interpreted the history of philosophy in the light most favorable to materialism. In "The Holy Family" Marx states that materialism is a natural-born son of Great Britain. "Duns Scotus had asked whether it was possible for matter to think. In order to effect a miracle, Duns Scotus took refuge in God's omnipotence, i.e., he made theology preach materialism. Moreover, Scotus was a nominalist and nominalism, the main form of materialism, is chiefly found among the English schoolmen."

After Dun Scotus in the history of British materialism, comes Francis Bacon. Bacon attacked the Aristotelians and in a way, was very much in the right. The Aristotelians (and the woods were full of them) had created a world in which everything conformed with Aristotle's astronomy of metaphysics. (Apart from the geocentric nonsense of the spheres, Aristotle's "Prime Mover," races after the unattainable "Uncaused Cause" like a squirrel on a treadmill.)

Bacon reacted by stressing the need for empirical proof of all metaphysical and physical assertions. Accentuating the particular and sense experience came to be misinterpreted so that only sense knowledge was respected as valid knowledge. Bacon asserted, but made no serious attempt to prove, that our knowledge is confined to what may be formally known in the senses.

Materialism took a giant step forward in the person of Hobbes. For Hobbes, philosophy concerns itself only with things of

bodily nature, which are generated through motion. Hobbes, a nominalist, opened the passage for materialism into mathematics. Thought no longer remains separate from thinking matter. In the practical sphere might makes right.

From Hobbes the torch was passed on to Locke because Locke advanced theoretical proofs that Bacon and Hobbes were correct. You will recall that Rene Descartes had separated mind and matter into two watertight compartments. For those who choose to emphasize matter a mechanical explanation of the material world sufficed. Everything ran like a machine; sensation itself was nothing more complex than a mechanical reflex. Descartes had isolated the human mind by his absolute separation of mind and matter. Consequently, Descartes had to demand and insist upon infused ideas because access to the intellect through the senses had been stopped.

Locke attacked infused ideas, insisting that all knowledge comes through the senses. This insistence was accepted as theoretical validation of Bacon and Hobbes.

At this time materialism splits into two groups. One group is very myopic; mechanical, and one might say, artificial in its expression. The other seeks solace in social humanitarianism.

Lamettrie published a famous book in which he called man a machine. This represents the extreme of the mechanical materialism arising out of Descartes. In the same tradition Diderot preached complete determinism as the only solution to the human equation. Man, the machine, lacks free will or freedom of any type.

Helvetius and Condillac represent the social outlook. These men look for progress in reason to match progress in industry and they regard education as all powerful. Only sense knowledge, of course, has validity. But to change man's knowledge they would change what he senses. In a word, all depends upon education and environment. They place the materialist accent upon the social life of man so that man may be changed by changing his environment. Holbach, the next materialist, insists that all men are created equal; that education is the all powerful solution to man's problems because every man is naturally good.

Marx will side with the latter group of materialists. Marx will nowhere acknowledge his debt to them but will adopt them by qualifying their position and integrating it into his world view.

By contrasting two materialisms—scientific determinism versus liberal, social progressivism we arrive at some interesting points of departure. Engels favored scientific determinism, and, as we shall see in subsequent lectures, had to be rescued by Lenin because he relied too heavily upon the narrow limits of the materialistic interpretation of science. Marx, a more profound thinker than Engels, embraced the social doctrine of the materialists and the great vision that the material world must be organized in a more human way.

When we study progressive materialism's emphasis on the natural goodness of man; the equal intelligence of all men; the all importance of experience in habits and education; the influence of external forces such as work; etc. the connection between progressive materialism and socialism or communism becomes rather apparent—and so does the insoluble dilemma of legislative thought investigation and/or control. Man draws his knowledge from the material world and acts on that world as a result of this experience. This world of experience must be organized in such a fashion that man here encounters and fulfills all truly human aspirations. Man must come to realize his human potentialities.

The materialism of Karl Marx may be logically integrated with the philosophical materialism of his predecessors, but logical analysis may abstract the man from the social context of his times. Marx embraced materialism in a logical—but more profoundly—in a social and humanitarian quest for truth. To appreciate this quest we turn to the "Thesis on Feuerbach":

"The chief defect of all hitherto existing materialism, that of Feuerbach included is that the object, reality, sensuousness, is conceived only in the form of the object of contemplation, but most as human sensuous activity; practice; not subjectively. Thus it happens that the active side in opposition to materialism was developed by idealism, but only abstractly, since idealism does not know real sensuous activity as such.

"Feuerbach wants sensuous objects really differentiated from thought objects, but he does not conceive human activity itself as activity through objects."

Fundamentally, Marx is saying that philosophy must cease to be pure contemplation.

Up until Marx's time, materialism has stressed the concrete; the real; the object which is known. In this analysis of knowing the object, the thing known, remains passive. This is especially true in the mechanical theory of sensation, where all emphasis is placed upon the object as something apart. An active, knowing subject counterbalances an inactive object.

On the other hand, the idealists have placed emphasis upon the creativity of the subject. They have monopolized the dynamic view. Idealists stress the subject to such an extent that they delineate the object—the subject comes to create its own object. Marx wants to take the dynamic or active insights of the idealist and transfuse them into the anemic staticism of the materialist camp. Marx wants to make the real active; to unify thought and action. Human activity is the real action of real men who change the world while being changed themselves.

Marx comes to grips immediately with an epistomological problem: "The question whether objective truth can be attributed to human thinking, is not a question of theory but a practical question. In practice, man must prove the truth—i.e., the reality and power, the this-sidedness of his thinking. The dispute over the reality or nonreality of thinking which is isolated from practice is a purely scholastic question."

Practice for Marx is the dynamic activity of the real. Activity permeates the real world, the object of human thought. The Hegelian dynamic spirit now inhabits matter. The test of truth; the test of union of mind and matter, of thought and objects, becomes the simple question: Does the thought work in its conformity with the real?

Just as Hegel rejected Kant and Fichte because they were based upon a false theory of opposition between subject and object, Marx has rejected Hegel by denying the validity of all knowledge which exists only for itself. Marx has repudiated all contemplative knowledge. What counts for Marx is the this-sidedness of thinking. This-sided thinking has reality and power.

Expressed in other terms: intrinsic contradiction has always been a test of truth in the speculative order. The real criterion of truth is whether the thought proves itself in the real world. If it does, intrinsic contradiction is quite academic. Real truth can be grasped only in real action.

From this premise Marx alludes to the social progressive trend in the history of materialism: "The materialistic doctrine that men are products of circumstances and up-bringing, and therefore changed men are products of other circumstances and changed up-bringing, forgets that circumstances are changed precisely by men and that the educator must himself be educated. Hence, this doctrine necessarily arrives at dividing society into two parts of which one towers above the other."

Society divides into the institutions and traditions which condition the thinking of people and the people conditioned or molded by these same institutions and traditions. For Marx, human progress cannot be incarnated in political and social institutions and traditions. Circumstances make men. External forces and forms at work in a society condition the thinking of any historical era. But existing conditions are not self-explanatory. In a word, Marx wants to know what makes external forces or external circumstances what they are. Marx's solution to this problem, we will have occasion to describe later on as historical materialism or economic determinism.

"Feuerbach starts from the fact of a religious self-alienation—the duplication of the world into a religion, imaginary world and a real one. His work consists in the dissolution of the religious world into its secular basis. He overlooks the fact that after completing this work, the chief thing still remains to be done. For the fact that the secular foundation can lift itself above itself and establish itself in the clouds as an independent realm, is only to be explained by the self-cleavage and self-contradictions in the secular basis. The latter must itself be understood in the contradiction and then, by removal of that contradiction, revolutionized in practice."

Marx simply states that the materialism, the atheism, if you prefer, of Feuerbach, did not go far enough. Feuerbach has correctly explained the origin of religion and of religious ideals. Feuerbach has answered the question "how"; he has not answered the question "why."

Marx will devote the rest of his life to seeking an answer to that second question: "Why does man create his own gods?" Feuerbach does not understand that religion is a product of society; nor that the individual he analyzes pertains to a definite form of society. For Marx, there must be a return to the real, a return to the individual—or, in epistomological terms, a return to the given. There must be an analysis of society and a solution offered to societies' evils.

"The supreme result so far obtained by perceptive materialism, that is, materialism which does not conceive the sensible world as practical activity, is the perception of isolated individuals in bourgeois society. The point of view of the old materialism is bourgeois society; the point of view of the new materialism is human society or socialized humanity."

The trouble with older materialists has been passivity; content to sit back and point out the evils of society then let things go as they are. Marx will not stop at such an elementary position as this: "The philosophers have hitherto only interpreted the world in different ways; the point is to change it."

Let us begin to integrate. The metaphysics of communism is called dialectical materialism. In Hegel we have seen the dialectic; in the last lecture we considered the materialist origin of Marx's thought. The fusion of these elements produced the alloy of dialectical materialism.

Matter alone exists. This is Marx's fundamental and most self-evident intuition. Why did Marx say that matter alone exists? For many reasons. First of all, he is concerned with the problem: which is more important, spirit or nature. In his view, those who have emphasized spirit, have fallen into the trap of idealism. Those who have emphasized nature, have fallen into the trap of static materialism.

Marx insists that nature is primary, that our concepts, our ideas (or whatever you want to call them) are nothing more than images of nature and are themselves products of organized matter. We do know the world as it is. Things can be known and things are known by the human mind. With one quick stroke, Marx brushes through a whole epistomological problem. Nature is active and the human mind is active. Nature copies or photographs things and the human mind expresses the photographs in terms of concepts or images. This is to say, that the thing in itself is the thing for us. All of the object's relations must be known and are known by the active human mind.

From what has already been said we may be led to oversimplify Marx and equate Marxism with pragmatism. This facile classification must be resisted. Marxists criticize the shallow, superficial approach of the true pragmatist and there is a good deal of truth in what the Marxists say. Although the Marxist test of truth is successful action upon matter, this test of practice if emphasized in isolation, becomes a very selfish and individualistic thing. To state that Marxism is merely another form of pragmatism, fails to properly evaluate the social content in the teaching of Marx.

The second fundamental metaphysical principle propounded by Marx is that this existing material world constantly changes. Eternal matter moves unceasingly. In this regard, Marx agrees with Heraclitus: "Change is the essence of things." (Recall, once again, that Marx is thinking in the atmosphere of evolution and progress which permeated the 19th century.)

Marx sees many dialectic or contradictory oppositions in the real world. First of all, a dialectical action permeates men's thoughts. Secondly, man and nature interact dialectically. Finally, a dialectical action lies in the heart of nature itself.

The dialectical interaction in human thought needs no comment. Anyone who momentarily considers the problem realizes that our concepts are clarified and purified by a constant opposition and interplay between contradictory, or opposed ideas. For example: One doctor says cancer is caused by a virus; another says it is not. The truth probably lies somewhere in between: a virus unlike any that have hitherto been discovered, etc.

The dialectical intersection between man and nature are explicable thus: Nature—i.e., the material world—has produced man. Man is the highest product of organized matter. Yet, man, the product of nature, wants to change nature—in other words, to humanize it. The contradictory pulls are man with his material needs opposed to nature which is supposed to provide satisfaction for these fundamental needs. Material satisfaction results from work. Work is the action which mediates between man's material needs and the material world which will provide satisfaction. Thus, the true equation is: man plus need, plus work, plus nature give satisfaction.

However, in the 19th century Marx looked around him and saw man plus need, plus nature, plus work all adding up to frustration. This is a simple way of saying that work is estranged; it is alienated; that work does not satisfy elementary human needs; that man in his most profound relationship to the world is alienated or estranged.

Finally, and without doubt, on a somewhat more superficial basis, Marx propounded a dialectical interaction in nature expressed in three laws. Actually, we are indebted to Engels for most of this material. A good part of it is contained in Engels refutation of the German philosopher Dühring.

Let's insert a parenthesis: Engels makes vociferous and emphatic claims that dialectical materialism is the only true materialistic philosophy of becoming. He proves this by certain terminological laws which we shall discuss in a moment. Actually, these laws are carried over from the Hegelian dialetical system. Eugen Dühring correctly understood Hegel's analysis of the dialectical nature of human thought and Hegel's attempt to explain the real world in terms of this natural dialectical process. Dühring questioned the legitimacy of transferring this idealistic concept to matter and using it to explain the motion of material beings in a philosophical system that rejects all the spiritual characteristics which render the dialectical thought process possible for humans. A careful examination of Engel's only major philosophical work: "Herr Eugen Dühring's Revolution in Science (Anti-Dühring)," will reveal that Engels did not give a satisfactory solution to the problem—despite the thunder and lightning.

Returning to the dialectical interaction in nature and the famous three laws of the dialectic: In theory these three laws are supposed to explain why there is motion in the material world. Engels popularized them in the "Anti-Dühring" and in the manuscript: "The Dialectics of Nature." Marx's adherence to these laws—especially in later life—may be seriously questioned. But whether true or false these laws provide the system with a marvelously logical coherence.

First of all, there is the law of opposites; reality is a unity of opposites. In other words, motion is a contradiction. A thing which is moving, both is and is not at the same time. Life itself is a contradiction; life is a process; life is the interaction of anabolism and katabolism. From time to time either anabolism or katabolism predominates, but life itself lives by simultaneous construction and destruction. Life is a contradiction in terms. In mathematics we have positive and negative. In calculus, we have differential and integral. These are contradictory operations. In electricity we have positive and negative. In magnetism we have north and south. In atomic physics we have proton and electron, or matter and antimatter. Thus the world as we discover it, is truly a unity of opposites. Whatever is, if you think about it enough, is really a contradiction.

Motion proceeds according to the second principle which is the negation of the negation. To paraphrase a passage from the Bible: if a grain of seed falls into the ground and dies, it brings forth many grains. In other words, one grain drops into the ground, dies; that is, ceases to exist, and there comes into life the negation of that one grain—the plant with its abundant grains. The new plant in its turn must die. And it bequeaths the world many grains. Thus, the many grains are negations of plant, or negations of a negation.

Reality makes progress by this process of negation of negation. This is illustrated in mathematics by the old dictum that minus times minus is plus. Two negatives make a positive. Perhaps the clearest example may be brought from geology. If you study the crust of the earth as you find it today and consider the effect of rainfall, you will note that the crust of the earth is gradually being worn away, washed down in rivers and deposited as fine sand or mud on the bottom of the ocean. The fine sand and mud is a negation of the dolomites, red and green argillites, or white quartzites that once constituted impassible mountain barriers on the surface of the earth. However, this accumulated fine sand and mud creates pressure of its own, and this downward thrust at sea level forces up new mountains, so that we find algae colonies and other evidences of ocean life in the Sizeh limestone high in the Rockies. The new crust is not really a negation of the old—but a negation of the negation—a negation of the fine sand which was a negation of the original crust. Thus minus times minus gives plus.

Applied to history: at the beginning of time common ownership of land prevailed but yielded to the march of private ownership. Private ownership was the negation of common ownership. The new order will demand a common ownership of land in a classless society. Thus will be accomplished the negation, the extinction, of the first negation.

Marx (really, Engels) is saying that the old is constantly dying and being replaced by the new. In the world of philosophy the old materialism ran up against its negation in the form of idealism. The old materialism could not cope with idealist philosophy because it could not incorporate the dynamism found in idealist philosophy. The new materialism negates idealism. It incorporates the best to be found in idealism because the new materialism is the negation of a negation.

The final metaphysical law is the law of transformation of quantity into quality. This explains why the new is better. The problem confronting Engels is that in nature there seems to be a leak: there seems to be a jump from simple negation to something new, which is a negation of that negation. Engels believes that this results from a simple process whereby continuous quantitative change produces a new quality.

Engels proves his contention by example: if you take water and heat it, the change is quantitative—that is to say, the increase in temperature is measurable in degrees. You are adding new measurable quantities of heat to the water. However, prolonging this process for a sufficient period of time develops a new quality in the water: steam. Conversely, if water is cooled the gradual quantitative diminution results in a quantitative change, and terminates in the production of a qualitatively different substance: ice.

The same may be illustrated from the field of organic chemistry. If you commence with an elementary hydrocarbon: Methane (CH_4) and make quantitative additions such as CH_2 you have Ethane, Propane, Butane, Peutane, Octane, etc. Each of these new products is entirely new—something never seen before—something never ascertainable from the nature of the original CH_4. Thus continuous quantitative change produces new qualities.

In summary: matter alone exists; matter is constantly in motion; matter's motion is dialectical in pattern. The dialection motion develops from the nature of the dialectical interaction in men s thoughts; in the dialectical manner of operation between man and nature; finally, from the dialectical interaction within nature itself. This latter interaction in nature is explicable through the three laws of the dialectic: Reality is a unity of opposites; progress is explicable by a process of the negation of the negation; continuous quantitative transformation results in the production of new qualities. This constitutes the metaphysical foundation of dialectical materialism.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there any further business in the morning hour?

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there further business in the morning hour?

Mr. RUSSELL. Mr. President, I desire to ascertain whether there is further business in the morning hour, because before the Senate proceeds to consider the unfinished business, I desire to have a live quorum.

Mr. CLARK. Mr. President, will the Chair indulge me for a moment while I confer with the Senator from Georgia?

Mr. President, I renew my request that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I ask unanimous consent that I may proceed for not in excess of 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PUBLIC DEBT AND TAX RATE EXTENSION ACT OF 1960

Mr. CLARK. Mr. President, earlier during the morning hour the distinguished senior Senator from Utah [Mr. BENNETT] undertook to criticize at some length the amendment sponsored by me, and which, in my judgment at least, if not in the judgment of the Senator from Utah, the Senate wisely adopted yesterday afternoon in connection with the excise tax bill.

My amendment dealt with the problem of business expense deductions for entertainment, gifts, and dues to social and athletic clubs. It would, I believe, conservatively yield an additional $250 million of badly needed revenue.

The Senator from Utah made a series of quite extraordinary statements. I should like to repeat them and then rebut them. He said, first, that my amendment permitted unlimited expenditures for liquor and food. This, of course, is not true.

The amendment retains the present requirement that any entertainment expenditure, to be deductible as a business expense, must be a necessary and ordinary expenditure in furtherance of the business. The amendment does not change that requirement at all. The amendment simply prohibits deductions for entertainment expenses except for food and beverages. The reason for the exception is that as a matter of both draftsmanship and administration, it was found impossible to draw an amendment which would be fair and just, and yet prohibit deductions for necessary and ordinary business expense in connection with trying to put across a business deal by the purchase of food and beverages. However, there is a clear limitation in present law on the amount which can be deducted for such expenses, and that limitation will continue.

My friend said that although I talked a great deal about yachts, in support of the amendment, that, as he read the amendment, one could yacht to his heart's content and could charge off the expenses to Uncle Sam, because we had not forbidden travel. Of course that comment is equally unsound; the bill did not prohibit deducting travel expense if it is a necessary and proper business expense, because we found that the administrative difficulties in writing such a provision into the amendment were quite substantial.

Mr. President, the distinguished Senator from Utah suggested that despite my amendment, an individual or a business could maintain and operate a yacht for entertainment purposes and could charge off the expense for it as business expense, to the heart's content of the owner of the yacht. Of course, the Senator from Utah stated that his belief is based on the fact that in the amendment there is no prohibition against travel.

But I can assure the Senator from Utah that I am quite certain that any competent lawyer would advise him that my amendment does prohibit business-expense deductions based on the use of yachts for the pleasure or entertainment of business customers, not for travel. Of course, if a yacht were chartered to take a group to some sort of business convention in another part of the world, that travel expense would be a legitimate business expense. But the ordinary entertainment for which a yacht is utilized would not be a deductible business expense under the provisions of my amendment.

Then my friend wished to know whether my amendment would exclude deduction of expenses of the well-known company picnic. Of course, it would not, because food and beverages would be deductible on the same basis as they were before. If a company picnic is found by the revenue agents to involve an ordinary and necessary business expense—within the meaning of section 162 of the code—the company could continue to deduct the cost of such picnics. Under the amendment the company could not deduct the expenses of hiring entertainers to perform at the company picnic. But if the company wished to hold a picnic in a park, I assure my friend that nothing in the amendment would prevent deduction for the food and drink expenses of that picnic.

Then my friend said he thought deduction of the costs of sample kits and window displays would be forbidden under my amendment, if they cost more than $10. But, of course, they would not, because those are not gifts. They are advertising expenses; and my amendment does not prohibit in any way legitimate advertising.

Then the Senator asked what would happen if at the end of the year one gave a salesman a bonus for having sold an extraordinarily large number of automobiles or dishwashers or whatever might be the article he was selling; and the Senator said that bonus would be a gift. But, of course, it would not be a gift, because a payment of this sort is treated as compensation for services performed, deductible by the employer and taxable as ordinary income for the employee.

Then the Senator said—and he almost wept as he said it—that the result of the amendment would be that corporations with a heart or with a soul would be denied the privilege of giving a scholarship to some worthy cake baker who used General Mills products, as he said, or to some worthy youth who, by means of a contest, won a scholarship. But, of course, my amendment would not prohibit that. A scholarship is a charitable or educational contribution and if it is deductible under section 170 of the code which covers the tax treatment of such contributions, it would continue to be deductible if and when my amendment becomes law, since my amendment does not change section 170.

Then my friend, with emotion in his words, inquired whether a faithful employee who had served a company for 50 years, would be prohibited, by my amendment, from receiving a gold watch when he retired from the company. The Senator suggested that in that respect there was a sad contest between permitting someone to wine and dine a customer, but forbidding a gray-haired, 50-year employee from being rewarded by being given a gold watch.

Mr. President, this does not bother me very much. Either the gold watch would be treated as extra compensation for services rendered which would be fully deductible under existing law, or if it would be considered to be a genuine "gift," and the company would claim a $10 deduction, after 50 years of service it would not seem too harsh to make the company carry the balance of the cost of the watch without help from Uncle Sam. At any rate there is no doubt that the practice of rewarding old employees will continue.

So, Mr. President, I hope very much that the Senate conferees will stand firm behind this wise amendment, which will make a beginning on cutting in on one of the most disgraceful aspects of our free enterprise system—namely, the swindle sheet racket—and, in addition, I am confident that the amendment will raise an additional $250 million of revenue for the Treasury.

Mr. President, I turn to another allied matter, and I ask unanimous consent that I may proceed on this matter for not in excess of 7 minutes.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and the Senator may proceed.

Mr. CLARK. Mr. President, the action taken by the Senate yesterday in defeating the committee amendments to the tax extension bill, H.R. 12381, and in passing three loophole closing amendments, if approved, will increase revenues in the coming fiscal year by $1.165 billion dollars. This could well spell the difference between a $200 million deficit and a $1 billion surplus in fiscal 1961. I ask unanimous consent that a table which I have had prepared to demonstrate these facts be inserted in the RECORD at this place in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated surplus for fiscal year 1961 (spending $79.8 billion; revenue $84 billion)	$4,200,000,000

Less net increases over budget estimates in appropriation bills passed to date:	
Increases:	
Defense, June 16	$1,179,997,000
HEW, June 17	465,566,950
Interior, May 13	7,337,300
Subtotal	1,652,901,250
Decreases:	
Commerce, May 13	69,990,625
Treasury-Post Office	55,939,000
Agriculture	141,165,590
District of Columbia	2,932,567
Subtotal	270,027,782
Net increase	1,382,873,468
Surplus balance	2,817,126,532
Less cost of Federal employee pay bill	746,000,000
Surplus balance	2,071,126,532
Less postal rate increase (budgeted but not agreed to)	554,000,000
Aviation fuel tax and miscellaneous taxes (budgeted but not agreed to)	146,000,000
Subtotal	700,000,00
Surplus balance	1,371,126,532
Less cost of certain bills which may be passed before adjournment:	
Education (S. $900 million; H.R. $325 million) average	612,500,000
Housing	100,800,000
Medical care for aged (McNAMARA)	132,000,000
Foreign tax credit (S. $20 million, H.R. $45 million) (average)	32,500,000
H.R. 10 (estimate $150–$250 million) (average)	200,000,000
Subtotal	1,000,000,000
Surplus balance	371,126,532
Less cost of H.R. 12381, as reported by Finance Committee	565,000,000
Deficit	−193,873,468
Plus restoration of communications and passenger excise taxes	565,000,000
Plus new revenue raised by loophole closing amendments to H.R. 12381, as passed by Senate:	
McCarthy amendment repealing 4 percent dividend credit	175,000,000
Gore amendment preventing depletion allowance on finishing processes	300,000,000
Clark amendment narrowing expense account deductions	125,000,000
Subtotal	+600,000,000
Total revenue added by H.R. 12381 as passed by Senate	1,165,000,000
Surplus balance	+971,126,532

Mr. CLARK. Since there are no differences in H.R. 12381, as passed by the Senate and the House, in regard to the extension of all existing taxes, this matter will not be at issue in the conference committee. The three loophole closing amendments adopted by the Senate, however, do represent points of disagreement which will have to be ironed out by the conferees.

Before the Senate conferees were appointed last night, I reminded the Senate of the principle stated in Cleaves' manual that "the majority party and the prevailing opinion shall have the majority of the managers" in the conference committee. That principle was not followed in the appointments made last, because a majority of the Senate conferees voted against the McCarthy amendment to repeal the dividend credit provision of the code, and against my amendment to tighten the rules regarding the deduction of business expenses. As I indicated last night, however, I did not object to the appointment of conferees in violation of the precedent I have just cited, because I have confidence that they will truly and ably represent the views of the Senate majority in conference, regardless of their own individual opinions of the actions taken yesterday.

The importance of retaining the loophole-closing amendments in the bill on the revenue position of the Treasury cannot be overemphasized. The best estimates we have show that the three amendments adopted by the Senate will add $1.2 billion to Government receipts in the first full year of their operation, or $600 million in fiscal 1961—since they all become operable under their terms on December 31, 1960.

The Washington Post, in an editorial in this morning's edition, complimented the Senate on the soundness of its actions on the tax bill yesterday, and I ask that the editorial be inserted in the RECORD at this place in my remarks. Even the Wall Street Journal gave grudging acknowledgment that the Senate had acted in the interests of fiscal responsibility on the tax extension bill, although, of course, it added the usual pleas to stop all further spending. I ask unanimous consent that the editorial also be included in my remarks at this place in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post June 21, 1960]

TAXES IN THE SENATE

The Senate has acted responsibly in overriding its Finance Committee to continue, for another year, the communications and transportation taxes. While it is quite true that the original purpose of the transportation levy—to discourage travel in wartime—is no longer relevant, the need for Federal revenues is pressing. And while it is true that many States need an expanded tax base and would have welcomed the opportunity to take over the excise on telephone and telegraph bills, the Federal Treasury is this year in no position to be generous. For Congress to have voted several necessary increases in the budget and, at the same time, to have allowed these taxes to lapse would have made a poor record for any Democratic candidate to run on.

The budget surplus foreseen for fiscal 1961 now seems bound to be much smaller than had been hoped for 6 months ago. Congress' refusal to raise postal rates and its insistence upon pay increases at a time of relative price stability threaten, along with justified increases for defense and other items, to eliminate much chance of debt retirement or advantageous refinancing. Against this backdrop, tax cuts of any kind would look—and would be—quite irresponsible.

Several of the moves in the Senate to close certain tax loopholes have much merit, but without early and concerted action in the House, where revenue measures must originate, it is nearly impossible to accomplish such reforms. We hope the extended study of the tax structure which the House Ways and Means Committee has been conducting will lead to enactment of some of these and other corrective amendments to the internal revenue laws in the next Congress, if, as seems likely, complete action is impossible now. The Senate action and debate have at least pointed to some of the more obvious flaws, such as the unduly broad minerals depletion allowances (which it voted unanimously to curtail), the abuse of entertainment expense accounts, the poorly justified tax credit on dividend income and the seemingly widespread evasion of dividend and interest taxes altogether, to say nothing of the excessive oil and gas depletion allowance rates.

These are but a few of the many opportunities that exist to broaden the income tax base, which must be done before nuisance taxes like the transportation levy and other similar inequities can be eliminated. It is a pity that this Congress could not have addressed itself broadly and early to revenue problems, but the Senate, at least, has done about the best that it could under the gun of a July 3 adjournment.

[From the Wall Street Journal, June 21, 1960]

PINNING THE LABEL

The Senate, this newspaper reports, will face a lot of opposition to the Senate Finance Committee's approval of a bill to repeal the 10 percent Federal levy on local telephone calls, telegrams, and passenger travel.

The taxes are unduly burdensome, but some of the Democrats fear somebody might pin a label of "fiscal irresponsibility" on the Congress they control if those taxes—laughingly labeled "temporary" when enacted—are killed. The reason for the fear is that repeal would cost the Government around $752 million annually, and some Democrats want to spend much more money than even the administration thinks proper on a great many things such as Federal school construction aid, Federal medical aid to the aged and Federal housing aid, to cite a few.

Well, in an election year it's probably a futile exercise to suggest that Congress ought to do the sensible thing and not increase spending just to lure unwary voters. And in any other year, either, it's probably equally futile to hope that Congress will cut special taxes that provide money to spend. Once a tax is on and the initial taxpayer grumbling has ceased, it's about as hard to get elected officials to reduce taxes as it would be to get them to cut their own pay.

Still, there's a gleam of hope in all this. For here is a clear case of letting the public know outright that anything it gets from Washington the public itself must pay for. We don't know how many people use telegrams or travel around, but there are a mighty lot of them who have telephones and if the Senate does refuse a tax reduction they'll know their bills are 10 percent higher than they might be because of greater spending by Congress.

In a way, we suppose the taxpayer ought to be grateful to the Senators who say they want to keep the taxes so as not to endanger the balanced budget the administration is hoping for. That's a lot better than going deeper into debt, which truly would be fiscal irresponsibility of the worst sort, considering that some of the programs Congress seeks aren't necessary.

But since the Democratic majority seems worried about labels, we'd like to remind them that there are degrees of fiscal irresponsibility. And spending just about every cent they can get their hands on—with the country deep in debt and the public deep in taxes—can hardly be called fiscal responsibility.

Mr. CLARK. Mr. President, I should like to express my strong hope that the Senate conferees will stand firm behind the amendments passed by the Senate yesterday. I point out again to my colleagues in this body who may perhaps read the RECORD tomorrow that we are about to go into a political campaign in which our party is going to be accused of thriftless spending and of lack of fiscal responsibility. This charge may be made to stick, Mr. President, if it can be shown that this Congress, controlled by the Democrats, has taken the $4.2 billion surplus set forth in the President's budget and has substituted therefor a deficit of $200 million.

I hope this will not come to pass. The best way to handle the situation, both from the point of view of party policy and the national interest, is to see to it that we provide enough additional revenues before we adjourn this year to assure a balanced budget in fiscal 1961.

That, in my judgment, can be done only if the loophole-closing amendments are retained in the bill we passed yesterday.

Mr. President, I shudder to think of both the political implications and the effect on our national economy if we leave Washington having been only too willing to appropriate for the public interest, but entirely unwilling to provide the revenues to give us a balanced budget and an opportunity to make a payment on the national debt.

I hope very much the Senate conferees will stand firm. I would hesitate a long time before approving a conference agreement which left my party again subject to the charge of fiscal irresponsibility.

Mr. President, I yield the floor.

TRIBUTE TO SENATOR BYRD OF WEST VIRGINIA

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. The Chair will state to the Senator from Ohio that there is no limitation on time.

Mr. YOUNG of Ohio. Mr. President, may I express my high admiration for the distinguished and very able junior Senator from West Virginia [Mr. BYRD], who is presently presiding over the Senate, and my pleasure over the fact that the junior Senator from West Virginia is in the Presiding Officer's chair this afternoon.

Mr. President, from the knowledge I have acquired since I first became a Senator in January 1959, I have learned to regard the present Presiding Officer, the junior Senator from West Virginia, Mr. ROBERT BYRD, as one of the most devoted, dedicated, and industrious Members of the Senate.

During his 2 years in the Senate—it will be 2 years at the end of the present year—and his three terms in the other body, I know that the junior Senator from West Virginia has made a remarkable record of achievement. He has served his State and the Nation with fidelity and zeal, and great brilliance.

The people of West Virginia may well be proud of his contributions to our Nation's welfare. Those of us who know Senator BOB BYRD well have learned that he is one of the hardest working and most selfless Members of the Senate.

It has come to my attention that, as of last Saturday, our distinguished colleague who is presently presiding over the Senate, has spent 104 hours presiding over the U.S. Senate during this second session of the 86th Congress.

It is interesting to note, Mr. President, that the Vice President of the United States, who is, officially, the Presiding Officer of the Senate, has served a little more than one-fifth as much time in presiding over this body during the present session as has the distinguished junior Senator from West Virginia.

As of last Saturday, Mr. President, the record shows that Vice President RICHARD NIXON had presided over the Senate for a total of 24 hours during this session, while, as I have said the distinguished present occupant of the Chair had presided for a total of 104 hours.

On the other side of the aisle I observe the distinguished junior Senator from Pennsylvania [Mr. SCOTT], who is a most interesting letter writer.

I read recently in a newspaper a most informative letter which the distinguished junior Senator from Pennsylvania had written. In addition to his long record of notable service in the House of Representatives, the Senator has been the chairman of the Republican National Committee. He has a distinguished place in his party.

It may be that in addition to the informative letter which the distinguished Senator from Pennsylvania recently wrote, he might choose to write an informative letter to Vice President RICHARD NIXON, advising him of what we are accomplishing during these night sessions under the leadership of the majority leader, the senior Senator from Texas [Mr. JOHNSON]. He may choose to report that. I would not choose to do so, Mr. President, because I realize the Vice President has important work he is seeking to accomplish throughout the Nation. I only make the suggestion.

Mr. SCOTT. Mr. President, will my friend from Ohio yield?

Mr. YOUNG of Ohio. I shall yield in a moment. I promised I would yield to the distinguished junior Senator from Wisconsin [Mr. PROXMIRE], and of course I shall also yield to the Senator from Pennsylvania.

The distinguished Senator from Pennsylvania, to whom I shall yield shortly, became a Member of the Senate at the same time I became a Member. It has been the high honor of some of us freshman Senators, so-called, to be asked to preside over the Senate of the United States. I am not boasting about the time I have spent presiding, because it is insignificant contrasted with the service of the distinguished Senator from West Virginia, the present Presiding Officer of the Senate. However, it is a fact, and the RECORD shows, that the junior Senator from Ohio has presided a total of approximately 44 hours in the Senate of the United States. If the Senator from Pennsylvania chooses to write another of those informative letters, he might advise the Vice President of the United States that he himself has presided over this body for a total of 2 hours during the same period the present Presiding Officer has presided a total of 104 hours.

Mr. President, I did not mean to refer to political matters. I meant only to advert to the service of the distinguished junior Senator from West Virginia. I wished to express my high admiration to the Senator, to attest my deference and devotion to the great work he is doing as a Senator of the United States. The great amount of time which our colleague from West Virginia has spent presiding over the Senate has made it necessary, I know, for him to burn the midnight oil in order to keep pace with the staggering workload of a Senator's office.

In my opinion, Mr. President, the distinguished junior Senator from West Virginia has earned the admiration of all of us for his notable efforts in presiding over the Senate for a total of 104 hours during the present session of the Congress.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to the Senator from Wisconsin, and then I shall yield to the Senator from Pennsylvania.

Mr. PROXMIRE. Mr. President, I am very happy to join the distinguished Senator from Ohio is commending the present occupant of the Chair, the junior Senator from West Virginia [Mr. BYRD]. I was impressed, when I was presiding over the Senate a week or two ago, by the figures as to the Senators who had presided, and for how long. I was particularly amazed by the fact that the distinguished present Presiding Officer has actually presided over the Senate for more time than all of the Republicans combined, including the Vice President of the United States, whose constitutional duty it is to preside over the Senate. It has been a neck-and-neck race between our present Presiding Officer and the entire Republican Party, but the Senator from West Virginia has been doing a magnificent job.

I have presided for some time myself, particularly last year and the year before, and I know it is a chore. It is a tedious chore. There are few things which are more tedious than having to sit in the Presiding Officer's chair and listen to speech after speech after speech. It is necessary that some Senator do it. It is necessary that the Presiding Officer conduct himself with dignity and propriety. It is necessary that the Presiding Officer have control over the parliamentary situation.

I point out that the present Presiding Officer is not a Senator who does nothing.

He is a very busy Senator. I know few Senators who are as busy. It is well known that the Senator does graduate work. He is a very hard-working committee member. I have the honor to serve on a committee with the Senator from West Virginia. He is very concerned about proposed legislation, and particularly concerned about legislation affecting his State. He has some very deep, profound, and well-articulated convictions about international affairs. He has given some of the finest speeches given by any Senator on the floor of the Senate. I think the Senator from West Virginia deserves great approval for the fine record he has compiled.

I am delighted to join the distinguished Senator from Ohio in commending the Senator from West Virginia for his service. The fact that he, all by himself, has served in this difficult but important, tedious but important, job more time than all the Republican Senators combined, including the man who has the constitutional responsibility for doing it, is a particularly impressive feat.

Mr. SCOTT. Mr. President——

Mr. YOUNG of Ohio. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I am very much gratified that the distinguished junior Senator from Ohio has paid this tribute to the present occupant of the chair, the Senator from West Virginia [Mr. BYRD], whom we all admire and whose willingness through long and tedious hours to occupy the chair of the presidency of the Senate is appreciated by all of us, many of whom regard it as a chore to be avoided. Many of us often, I fear, escape from the Chamber at times when we feel we are about to be asked to preside. Many of us would prefer not to make this particular sacrifice, but the generous and kindly character of the Senator from West Virginia is such he does relieve all of us many times from this obligation. Therefore, I wish to join in paying tribute to the Senator not only in this capacity but also because he does work hard and because he is a man whom we like and whom we admire.

Since I seem to have been caught in a slight downdraft by virtue of some of the remarks of my friend from Ohio, which refer to the fact that occasionally I write a letter, I will say to the Senator from Ohio that such a letter, of course, would not be addressed to him, because he has been present much more than 22 percent of the time. He is a very faithful Senator. He responds to his duty as a representative of his State in this body. He has voted on most of the bills. He is well known in his reaction to the press and to various groups of people as "Mr. Blunt" himself. He speaks his mind, and we respect him for it.

Mr. YOUNG of Ohio. I thank the Senator very much for that kind remark.

Mr. SCOTT. It should be noted first of all that there are some Senators on the other side of the aisle who still believe in the ancient concept of the Vice Presidency as an office somewhat sedentary in nature, with the Vice President thought to be no more than a figurehead, to be no more than a man who presides over all manner of subjects, no matter what the state of the world or the state of the Union may be.

So this was the old concept of the Vice Presidency, and under the Vice Presidency of members of the party of the Senator from Ohio, the rather gruesome privilege of innocuous desuetude was enjoyed by numerous occupants of the Vice Presidential chair. Most regarded the office as one which one of our Founding Fathers described as the most useless office ever invented by the mind of man for the discomfort of a human being.

However, I am glad to say that the concept of the Vice Presidency has changed during the occupancy of that chair by Vice President NIXON. He has not regarded it as a sedentary post for the purpose of presiding and avoiding other responsibilities.

First, it ought to be called to the attention of the Senate that the Vice President has seldom failed to be present every time there has been a tie vote to be broken and that the Vice President has courageously cast his votes. He was present even during the long hours of the civil rights filibuster, when there were certain Senators on the Democratic side of the aisle, as we all know, who showed a marked disinclination to occupy the chair in the event of a close vote involving the touchy issue of civil rights.

It ought also to be noted that the Vice President has been present by far the greater part of the time when other candidates for the Presidential office have distinguished this Chamber by their absence.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. The Senator from Ohio has the floor.

Mr. SCOTT. I should like to conclude this part of what I have to say. One is not, of course, too critical of those who campaign for the Presidency, because it is a post which requires a frequent return to the people. But the Vice President, generally speaking, has observed the necessity to be present, even though his duties here are occasional at best, and his principal duty is to break a tie in the event of such a vote in the Senate. He has observed the duties and responsibilities of his office to a far better degree than have others who are competing for the Presidency. By that I certainly do not mean to include the majority leader (Mr. JOHNSON of Texas), who has been faithful in the Senate day and night, and whose leadership is of the sort which has commanded the respect of Senators on both sides of the aisle.

The Senator from Ohio has mentioned the fact that I myself have presided only 2 hours during my year and a half in the Senate. I shall be glad to advise the Senator from Ohio——

Mr. YOUNG of Ohio. The Senator is mistaken. The junior Senator from Ohio stated that the Senator from Pennsylvania presided approximately 2 hours during the present session.

Mr. SCOTT. During the present session.

Mr. YOUNG of Ohio. I have been referring only to Vice President NIXON, who presided only 24 hours during the present session.

Mr. SCOTT. I take no offense. I should be glad to continue and supplement my statement by advising the Senator from Ohio that during my 16 years in the House I doubt very much if I presided any more than 2 hours during the entire 16 years, because I come from a State neighboring to his, with 11 million people. Those 11 million people make many demands upon my time. I am a member of four committees and several subcommittees.

Mr. YOUNG of Ohio. The junior Senator from Ohio appreciates the truth of that statement, because he comes from a State that has a population of 9 million. The junior Senator from Ohio during the present session of the Senate has presided only 44 hours.

Mr. SCOTT. I am all the more grateful to Senators who are willing to permit the use of their sitting endurance for the benefit of the rest of us. I say only that it is not my particular forte.

Il n'est pas mon metier, as the Senator will understand—it is not my hobby—to spend time in presiding. I am glad that other Senators do so.

Mr. YOUNG of Ohio. I merely commented on that. I intended to compliment the junior Senator from Pennsylvania upon his forte as a very informative letter writer, who receives widespread publicity.

Mr. SCOTT. I am glad the Senator from Ohio appreciates that.

I wish to make some reference to what the distinguished Senator from Wisconsin has said. I am aware that there has been a certain amount of interest in a recent letter of mine. I have found more interest on the other side of the aisle than I have on this side and, I may add, with fully as much approval. I shall be very glad to make further comment on the letter. I am very glad to have the additional notice brought to it.

But at this point I wish to make a comment on what my friend the Senator from Wisconsin [Mr. PROXMIRE] has said, because I am afraid that his statement as it now appears in the RECORD may mislead the general public. He remarked that the present occupant of the chair had spent more time in the chair than all the Republican Senators combined.

During the 20 years since I first came to Washington, throughout my study of political science and in all the period preceding that time, under the two-party system, a certain custom has existed and been observed. The custom is that the Vice President—constitutionally the President of the Senate—presides frequently at the opening of the Senate and for the occasion of breaking a tie vote. But when the Vice President gives up the chair to attend to other duties, the right to fill the chair is assumed by the majority party. Under the direction of the distinguished President pro tempore of this body, who is the Senator from Arizona [Mr. HAYDEN], a Democrat, various officials of the Senate select members of the Democratic Party to

preside over the Senate. Therefore, because this custom is and almost always has been followed, the Senator from Wisconsin would have people believe that the reason why one or more Democrats have occupied the chair more often that Republicans is due to the fact that the President pro tempore of the Senate is an office pertaining to the majority party.

There are twice as many members of the majority party in the Senate, and therefore it is not unusual that there should be more Democrats sitting in the Presiding Officer's chair than Republicans. Visitors to the galleries, I am sure, if they arrive early, will ordinarily see the Vice President in the chair. They may see one or two Senators of the party of the Vice President presiding briefly. Then when the Senate reaches legislative issues, the President pro tempore, through agents of the Senate, designates a Democrat, who is normally succeeded by Democrats throughout the rest of the session.

Finally, I think it should be pointed out, as I have said, that the present Vice President has given a new concept to the office. Rather than do nothing save preside nominally in the Senate, this Vice President has presided over a very considerable percentage of the meetings of the President's Cabinet. He has presided many times over the very important meetings of the National Security Council. He has, moreover, been Chairman of the President's Committee on Government Contracts. He has served ex officio, by designation, on many other agencies or missions. He has been the busiest Vice President in the history of the United States. He has been the best trained Vice President in the history of the United States, and the most experienced. I am sure neither he nor his party would trade that record for the privilege of presiding endlessly over a distinguished body where, as one visitor has observed, the procedure goes something like this: One Member gets up and says nothing. Nobody pays any attention. Then everybody gets up and disagrees.

I hope that is not a fair judgment of our body. However, certainly in this distinguished body, which has been facetiously referred to as a cave of the winds, there are other duties than merely presiding all day and all night and listening to other distinguished Senators express their views on everything from men to manhole covers. I thank the Senator from Ohio for yielding.

Mr. YOUNG of Ohio. Mr. President, I yield to the junior Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, to reply explicitly to the Senator from Pennsylvania in his disagreement with me, I should like to say that I have served in the Senate from the end of 1957 until now, and in that time I have observed that, because of generosity and consideration and a recognition of the tedium of presiding over the Senate, the Republicans, at least in 1958, were very generous in sharing the burden of presiding over the Senate.

I think it is striking and impressive that the Senator from West Virginia [Mr. BYRD] has such a deep conception of his duty that he has actually served more time in the chair, as I have said, than the Vice President and all the Republican Senators combined.

What the junior Senator from Pennsylvania says is correct; it is the duty of the majority party to preside. But there is a matter of consideration and exchange of burdens in the Senate, which is one of its finest characteristics. The fact that some Senators in both parties are willing to take this burden over is to their great credit. The fact that the Senator from West Virginia has been willing to assume this burden more than all the Republicans combined is to his great credit.

Mr. SCOTT. I agree that we are all indebted to the Senator from West Virginia for his thoughtfulness in relieving the rest of us of that burden for a considerable period of time.

Mr. YOUNG of Ohio. Mr. President, may I interrupt briefly?

Mr. PROXMIRE. The Senator from Ohio has the floor.

Mr. YOUNG of Ohio. I intend to yield further to the Senator from Wisconsin for any further remarks he wishes to make. As a student of history, I know something about the history of this country and the Constitution of the United States. The Constitution, as the Senator from Wisconsin will agree, specifically imposes two duties upon the Vice President. One is to serve as Presiding Officer over the sessions of the Senate. The second is to cast his vote to break tie votes in the Senate. It is not the duty of members of the majority party to preside. The Constitution specifically makes it the duty of the Vice President of the United States.

When the junior Senator from Pennsylvania speaks about the ancient concept of the Vice Presidency and the new concept of the Vice Presidency, there is no basis for such assertion. The precise duties of the Vice Presidency are set forth in the Constitution of our country.

I should like to answer the statement of the junior Senator from Pennsylvania, and I am certain that the junior Senator from Wisconsin will agree with me. According to the Congressional Quarterly of February 8 of this year, at page 4660, to be exact—if the junior Senator from Pennsylvania cares to look it up—Vice President NIXON has not voted following nine tie votes, as of February 3. It may be that he intended to vote in the negative on all of these occasions. However, that is difficult for me to believe. He did not break even one of these nine tie votes.

I do recall distinctly that not many weeks ago the Vice President, when one of his duties to which the junior Senator from Pennsylvania [Mr. SCOTT] has adverted took him elsewhere, spoke in Chicago. At that time, according to newspaper reports, he stated publicly that he favored Federal aid to education. However, when the chips were down, and when the amendment of the senior Senator from Pennsylvania [Mr. CLARK], providing for that very thing, came up for vote, a tie vote resulted, as I recall, of 42 to 42. On that day the Vice President was here and he cast a negative vote, contrary to his stated beliefs.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. The Senator from Wisconsin has the floor.

Mr. PROXMIRE. I should like to complete my remarks. I hope to make them very brief. I do not wish to detain the Senate. I realize that we have a great deal of business to transact, and perhaps we should not spend too much time on this subject. I did wish to answer the issues the junior Senator from Pennsylvania has developed.

He said that Vice President NIXON has developed a new concept of the Vice Presidency, not the sedentary occupation of merely sitting endlessly in the chair in presiding over the Senate.

I should like to call to the attention of the junior Senator from Pennsylvania the fact that the immediately preceding Vice President was Alben Barkley. I believe that all Americans in both parties recognize the fact that Alben Barkley was an exceedingly active and responsible and effective Vice President. He was not content simply to sit still and let time go by. He was a man who contributed greatly to the Nation, not only as a Senator, but also as Vice President. He was extremely active.

I wish also to say to the junior Senator from Pennsylvania that the burden of his remarks and the burden of the letter which the Senator from Ohio has discussed, was a discussion of the junior Senator from Massachusetts [Mr. KENNEDY]. I think the junior Senator from Massachusetts has had a superb record in the Congress, both in the House and in the Senate. I believe that most objective persons who evaluate his record will agree.

Of course, he has not been present a great deal this year. The fact is that it is necessary for him to be an active candidate for the Presidency. He knows that his only chance is to go out and win in the primaries.

I recall that back in 1952 Senator Robert Taft, who had a much heavier obligation considering his position at that time for being on the floor of the Senate, was out in Wisconsin campaigning in our primary, day after day, every day for weeks during the 1952 presidential primary in Wisconsin. No one criticized Senator Taft for that, and nobody should have done so. The fact is that there are few greater responsibilities than serving in the Senate of the United States, but I think one of them is running for the Presidency as a major candidate of one of our two great political parties.

When JACK KENNEDY goes around the country and makes his important speeches, and when he appeals to the Nation, as he has done repeatedly throughout the country, in State after State, he is performing a great service to the country. Both Winston Churchill and Woodrow Wilson have said that the most important function of public service in a democracy is in the campaign, because that is where the democratic—and I spell that with a small "d"—consensus is arrived at. Here is where

the vital discussion, deliberation, and decision of democracy takes place. JACK KENNEDY deserves credit for the wonderful campaign he has conducted. It is impossible for him to sit in the Senate day after day and vote on the measures the Senate is considering. The fact is, however, that, except for this campaign year, Senator KENNEDY has had an excellent record of attendance, as well as a brilliant record of performance. However, in every year the Vice President has spent very little time presiding over the Senate, performing the duty which he is required to perform under the Constitution. And frankly under all the circumstances I cannot blame him much for it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CLARK. Which Senator had charge of marshaling through the committee and handling on the floor the repeal of the disclaimer affidavit?

Mr. PROXMIRE. The junior Senator from Massachusetts [Mr. KENNEDY] did, and he did his usual very high quality job, and he did it only a few days ago.

Mr. CLARK. Which Senator is in charge of marshaling in the committee and bringing to the floor the infinitely complicated minimum wage bill?

Mr. PROXMIRE. The junior Senator from Massachusetts. Not only is that bill infinitely complicated; it is a controversial bill mined with boobytraps. It is dynamite and has to be handled with maturity and skill. The Senator from Massachusetts has done a masterful job with this measure, in spite of his other responsibilities as a candidate.

Mr. CLARK. Does the Senator from Wisconsin realize that on practically every yea-and-nay vote the Senate has taken this session, the position of the junior Senator from Massachusetts has been announced?

Mr. PROXMIRE. I am aware of that; and also, as far as possible, he has been paired. But in all cases, as the Senator from Pennsylvania has said, the position of the junior Senator from Massachusetts has been made crystal clear.

Mr. CLARK. Does the Senator from Wisconsin appreciate the fact that the Senator from Massachusetts has been here and has voted substantially more frequently than a good many of his colleagues, even in this session?

Mr. PROXMIRE. The Senator from Pennsylvania is correct. I have examined the record of the Senator from Massachusetts over the years. He has compiled a fine conscientious attendance record.

Mr. SCOTT. Mr. President, will the Senator from Ohio yield?

Mr. YOUNG of Ohio. I yield.

Mr. SCOTT. First, with respect to the duties of the Vice President, I call the attention of the Senator from Wisconsin to the fact that about all that appears on that point is to be found in this paragraph:

> The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

As the junior Senator from Ohio has pointed out——

Mr. YOUNG of Ohio. I may say that I promised the junior Senator from Louisiana [Mr. LONG] that I would yield to him. He must leave the floor shortly.

Mr. SCOTT. I shall try to be brief. What I shall say is in line with the discussion.

The junior Senator from Pennsylvania made the statement that the Vice President has been here every time there has been a tie vote. The Senator from Ohio said the Vice President did not vote on certain tie votes. That is because, as the Senator from Ohio has said, if the Vice President is not in favor of a measure, and his vote would be negative, there is no need to cast it. Therefore, the Vice President abstains from voting.

The Vice President breaks a tie, but only by voting in the affirmative. If the vote is a tie, the particular measure fails to carry. The Senator from Ohio mentioned that fact on various occasions.

I do not wish to go into the matter of the junior Senator from Massachusetts. His views are of record. His votes are of record.

I did not rise for that purpose. I rose because some sort of effort, apparently, is underway to make it appear that when the Vice President is not presiding over the Senate, he is not working as Vice President. I say to Senators who evidently have that thought in mind that they are not going to get away with it. The general public knows that the Vice President is working. They know that he was in Russia and stood up to Khrushchev. They know that the Vice President has made other visits to chiefs of state and to peoples. They know that he presides over the National Security Council. They know that he presides over the Cabinet on many occasions.

Therefore, the attempt to make it appear that the most important job in the world for Vice President NIXON to perform is to sit here and preside over this body, even when no great issues are involved, is an effort which, I am certain, will come to nothing.

Mr. PROXMIRE. The junior Senator from Pennsylvania wants to have it both ways. When Vice President NIXON goes around the country giving his speeches, that is statesmanship; it is an example of the Vice President going to the people.

When the junior Senator from Massachusetts [Mr. KENNEDY] does it—and everyone recognizes that he is the leading Democratic candidate for President of the United States—that is absenteeism; apparently it is felt that he should not be conducting this great crucial presidential campaign of 1960. He should be in the Senate, performing his routine duties.

I think it is obvious to any fairminded American that both these men have a perfect right to go out and campaign. The junior Senator from Massachusetts has been performing a great service to all Americans by talking hard, tough sense to them on the great issues of 1960 as the leading Democratic candidate, bringing his position to them at first hand. The Vice President has been the leading Republican candidate. He too has been performing a service to his country by campaigning.

Mr. YOUNG of Ohio. I thank the distinguished junior Senator from Wisconsin. I now yield to the distinguished senior Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I have been listening to the discussion. I could not help thinking of the past and what has taken place in history.

So far as the Vice President is concerned, he has been going out over the country, and when something was popular in a certain territory, he spoke in behalf of it. He would not mention anything which was not popular, and when his party had taken a position to the contrary.

To illustrate the point, we might consider the subject of agriculture for a minute. Where does the Vice President stand on that subject? Is he for Benson or against Benson at the present time? The people of the Nation realize that the farmers have been thrown into bankruptcy, so to speak. About three-quarters of a million people leave the farms every year because they cannot make a living on them. Also, the income of farm families has been dropping at the rate of about $500 million a year. The Vice President does not talk much about that subject, so it is not possible to tell where he stands on the subject. One does not know whether he is for Benson's policies, or whether he stands with the administration or against it on agricultural policy at the present time. No; he will not take any part in that matter.

On other matters, he comes around only when there is a tie vote. Of course, he votes at that particular time.

I am reminded of what is said about a chandelier in the Vice President's office. A Vice President who became President of the United States—and one of the best Republican Presidents the country ever had, in my opinion—was Theodore Roosevelt. He was a great outdoor man. When he went to the White House, he raised all the windows to let the air come in and blow around.

It is said that the tinkle tinkle of the chandeliers kept him awake at night, and that he said they should be moved. He was asked, "Where shall we put them, if you will not have them at the White House?"

It is said that Theodore Roosevelt replied, "Put them in the Capitol. It does not make any difference where they go. But be sure to put one in the office of the Vice President. He does not have anything to do; maybe it will keep him awake in the future."

The Vice President does not have much to do; and he has not presided often over the Senate, whether it has been in a time of campaign or not. He has not waited until campaign time to get away from here. He has been away from here, speaking on popular issues in every area of the United States.

He could say, "No, I did not have anything to do with this matter," if it is something unpopular which Congress passed. "I did not have anything to do with that. I am the Vice President. I do not have any authority at all."

But he has authority in connection with some of the other matters, and he claims authority when he speaks of something which is popular.

That is politics. It goes on and on.

Mr. SCOTT. Mr. President, will the Senator from Ohio yield for a correction?

Mr. YOUNG of Ohio. I yield to the distinguished junior Senator from Louisiana. I thank the Senator from South Carolina for his contribution.

Mr. LONG of Louisiana. Mr. President, I assumed the Senator from Pennsylvania [Mr. SCOTT] had researched the statement he made when he said the Vice President had always been here in the event of a tie vote, so as to take a position on it.

Mr. SCOTT. If the Senator from Louisiana will yield, I said the Vice President had been here every time there had been a tie vote. While the Senator from Louisiana was out of the Chamber, I indicated that there are certain tie votes as to which the Vice President by abstaining from voting will create the same effect as if he had voted negatively, and the motion will lose. There were nine such occasions.

Mr. LONG of Louisiana. I assume that would have been the result in the case of a vote on an amendment of the junior Senator from Louisiana 3 years ago, in which I sought to provide additional funds for needy persons.

So far as the good State of California is concerned, the State which the Vice President had earlier represented both in the House and the Senate, he voted against an amendment which would have been of benefit to the health of aged persons. The amendment lost on a tie vote. I regret that we did not get the vote of a single Senator from California. I suppose the amendment would have been lost even if the Vice President had been present. The amendment was lost by a vote of 40 to 40.

I notice the statement that the question was put to a vote by the Presiding Officer. I assume that means that the Vice President, if he had been present, would have voted against 3½ million aged persons, needy old folks, because there is no indication that he would not have done so. I should say that that perhaps would stand as an exception to the statement that the Vice President had always been here in case of tie votes.

I think it would be well if the Vice President would make it clear that on an amendment which would have benefited 3,500,000 aged and needy persons, he would have cast his vote in the negative had he been present.

I am pleased to say that every time the junior Senator from Louisiana has offered an amendment to help the aged and needy, the junior Senator from Massachusetts [Mr. KENNEDY], in all fairness to him, has been here and has voted for my amendment.

Mr. YOUNG of Ohio. What date was the vote on additional unemployment compensation?

Mr. LONG of Louisiana. There was a yea-and-nay vote on May 28, 1958.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the proceedings in connection with the vote on my amendment to H.R. 12065, to provide for temporary additional unemployment compensation, and for other purposes, which was offered on May 28, 1958, in the 2d session of the 85th Congress.

There being no objection, the proceedings in connection with the vote were ordered to be printed in the RECORD, as follows:

SUBJECT AND RESULT OF VOTE, 85TH CONGRESS, 2D SESSION

ADDITIONAL UNEMPLOYMENT COMPENSATION (H.R. 12065)

(A bill to provide for temporary additional unemployment compensation, and for other purposes.) Vote on LONG, of Louisiana (and 32 others) amendment providing for additional average payment of $5 per month for needy aged and needy blind. This would increase the maximum monthly payment to $70 per person.

Rejected: Yeas 40, nays 40.

ADDITIONAL UNEMPLOYMENT COMPENSATION

The Senate resumed the consideration of the bill (H.R. 12065) to provide for temporary additional unemployment compensation, and for other purposes.

Mr. LONG. Mr. President, I call up my amendment which is at the desk, and which is identified as "5–26–58—C."

Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the text of the amendment will be printed in the RECORD.

The amendment offered by Mr. LONG is as follows: At the end of the bill insert a new title III, as follows:

"TITLE III

"SEC. 301. Section 3(a) of the Social Security Act is amended to read as follows:

"'SEC. 3. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1958, (1) in the case of any State other than Puerto Rico and the Virgin Islands, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $70—

"'(A) four-fifths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $30 multiplied by the total number of such individuals who received old-age assistance in the form of money payments for such month; plus

"'(B) two-thirds of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of $45 multiplied by the total number of such individuals who received old-age assistance in the form of money payments for such month; plus

"'(C) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (B); and (2) in the case of Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $30, and (3) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan, including services which are provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to applicants for and recipients of old-age assistance to help them attain self-care, and (4) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan in the form of medical or any other type of remedial care (including expenditures for insurance premiums for such care or the cost thereof), not counting so much of such expenditure for any month as exceeds the product of $6 multiplied by the total number of individuals who received old-age assistance under the State plan for such month.'

"SEC. 302. Section 1003 (a) of the Social Security Act is amended to read as follows:

"'SEC. 1003. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind for each quarter, beginning with the quarter commencing July 1, 1958, (1) in the case of any State other than Puerto Rico and the Virgin Islands, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the blind in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $70—

"'(A) four-fifths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $30 multiplied by the total number of such individuals who received aid to the blind in the form of money payments for such month; plus

"'(B) two-thirds of the amount by which such expnditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of $45 multiplied by the total number of such individuals who received aid to the blind in the form of money payments for such month; plus

"'(C) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (B); and (2) in the case of Puerto Rico and the Virgin Islands, an amount equal to one-half of the total of the sums expended during such quarter as aid to the blind in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $30; and (3) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan, including services which are provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to applicants for and recipients of aid to the blind to help them attain self-support or self-care; and (4) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as aid to the blind under the State plan in the form of medical or any other type of remedial care (including expenditures for insurance premiums for such care or the cost thereof), not counting so much of such expenditure for any month as exceeds the product of $6 multiplied by the total number of individuals who received aid to the blind under the State plan for such month.'

"SEC. 303. Section 1403(a) of the Social Security Act is amended to read as follows:

"'SEC. 1403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the permanently and totally disabled, for each quarter, beginning

with the quarter commencing July 1, 1958, (1) in the case of any State other than Puerto Rico and the Virgin Islands, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the permanently and totally disabled in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $70—

"'(A) four-fifths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $30 multiplied by the total number of such individuals who received aid to the permanently and totally disabled in the form of money payments for such months; plus

"'(B) two-thirds of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of $45 multiplied by the total number of such individuals who received aid to the permanently and totally disabled in the form of money payments for such month; plus

"'(C) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (B); and (2) in the case of Puerto Rico and the Virgin Islands, an amount equal to one-half of the total of the sums expended during such quarter as aid to the permanently and totally disabled in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $30; and (3) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan, including services which are provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to applicants for and recipients of such aid to help them attain self-support or self-care; and (4) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as aid to the permanently and totally disabled under the State plan in the form of medical or any other type of remedial care (including expenditures for insurance premiums for such care or the cost thereof), not counting so much of such expenditure for any month as exceeds the product of $6 multiplied by the total number of individuals who received aid to the permanently and totally disabled under the State plan for such month.'

"SEC. 304. The amendments made by this title shall become effective July 1, 1958."

Amend the title so as to read: "An act to provide for temporary additional unemployment compensation, to provide for increased Federal financial participation in the State programs of public assistance established pursuant to titles I, X, and XIV of the Social Security Act, and for other purposes."

The question is on agreeing to the amendment of the Senator from Louisiana, Mr. LONG. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRETT (when his name was called). On this vote I have a pair with the Senator from Nebraska, Mr. HRUSKA. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. ERVIN (when his name was called). On this vote I have a pair with the junior Senator from Texas, Mr. YARBOROUGH. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I, therefore, withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico, Mr. ANDERSON, the Senator from Idaho, Mr. CHURCH; the Senator from Arkansas, Mr. FULBRIGHT; the Senator from Tennessee, Mr. GORE; the Senator from Minnesota, Mr. HUMPHREY; the Senator from Arkansas, Mr. MCCLELLAN; the Senator from Oklahoma, Mr. MONRONEY; the Senator from Wyoming, Mr. O'MAHONEY; and the Senator from Texas, Mr. YARBOROUGH, are absent on official business.

I further announce that if present and voting, the Senator from Idaho, Mr. CHURCH; the Senator from Minnesota, Mr. HUMPHREY; the Senator from Oklahoma, Mr. MONRONEY; and the Senator from Wyoming, Mr. O'MAHONEY; would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Indiana [Mr. JENNER] is necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent on official business, and his pair with the Senator from Wyoming [Mr. BARRETT] has been previously announced.

The Senator from Minnesota [Mr. THYE] is absent on official business.

The Senator from Nevada [Mr. MALONE] is absent because of illness, and, if present and voting, would vote "yea."

The result was announced—yeas 40, nays 40, as follows:

Yeas, 40: Bible,[1] Carroll,[1] Chavez,[1] Clark,[1] Cotton, Douglas,[1] Eastland,[1] Ellender,[1] Frear,[1] Green,[1] Hayden,[1] Hennings,[1] Hill,[1] Holland,[1] Jackson,[1] Johnson of Texas,[1] Johnston of South Carolina,[1] Jordan,[1] Kefauver,[1] Kennedy,[1] Kerr,[1] Langer, Long,[1] Magnuson,[1] Mansfield,[1] McNamara,[1] Morse,[1] Murray,[1] Neuberger,[1] Pastore,[1] Payne, Potter, Proxmire,[1] Revercomb, Russell,[1] Smathers,[1] Smith of Maine, Sparkman,[1] Symington,[1] Talmadge.[1]

Nays, 40: Aiken, Allott, Beall, Bennett, Bricker, Bridges, Bush, Butler, Byrd,[1] Capehart, Carlson, Case of New Jersey, Case of South Dakota, Cooper, Curtis, Dirksen, Dworshak, Flanders, Goldwater, Hickenlooper, Hoblitzell, Ives, Javits, Knowland, Kuchel, Lausche,[1] Martin of Iowa, Martin of Pennsylvania, Morton, Mundt, Purtell, Robertson,[1] Saltonstall, Schoeppel, Smith of New Jersey, Stennis,[1] Thurmond,[1] Watkins, Williams, Young.

Not voting, 16: Anderson,[1] Barrett, Church,[1] Ervin,[1] Fulbright,[1] Gore,[1] Hruska, Humphrey,[1] Jenner, Malone, McClellan,[1] Monroney,[1] O'Mahoney,[1] Thye, Wiley, Yarborough.[1]

So Mr. LONG's amendment was rejected.

Mr. SCOTT. Mr. President, will the Senator from Ohio yield, to permit me to offer a correction to a statement which was made by the Senator from South Carolina?

Mr. YOUNG of Ohio. Yes.

Mr. SCOTT. I understood the Senator from South Carolina to say the Vice President has been away most of the time.

As one who has been present for, I think, all but eight of the some 240 quorum calls and yea-and-nay votes this year, and for approximately 96 or 97 percent of them last session, I, personally, am aware of the fact that the Vice President has been here most of the time during the weekdays. When he has had to go away, he has done so largely on weekends. Certainly he has responded to his duty.

The Senator from Massachusetts [Mr. KENNEDY] has been here, I think, only 22 percent of the time on yea-and-nay votes on the various issues, and has been absent 78 percent of the time

I have not wished to say that, and would not have done so, except for the fact that the Senator from South Carolina stated that the Vice President has been away most of the time.

As the press knows from its own contacts with the Vice President, he has been here most of the time.

Mr. JOHNSTON of South Carolina. Mr. President, all I can say in passing is that I have not seen the Vice President here in the Chamber or presiding over the Senate more than 5 percent of the time when the Senate was in session. I defy anyone to say to the contrary, based on the facts.

Mr. YOUNG of Ohio. Mr. President, in concluding my remarks, let me reiterate that the yea-and-nay vote adverted to by the junior Senator from Louisiana took place on May 28, 1958. That vote was on a measure to increase the aid for the aged by $5 a month, in some States, and by as much as $7.50 a month in other States. At that time there was a tie vote by the Senate. The vote was 40 to 40. The proposal failed because, according to the RECORD, the tie was not broken.

Presumably, the Senate was then presided over by some Member of the Senate, who cast his vote either for or against the proposal, because the RECORD shows that the Vice President was not present at the time. That was in 1958. At that time, there was no campaign for the Presidency of the United States; and yet some Senator, not the Vice President, was then presiding over the Senate.

Finally, Mr. President, let me say that I commenced my remarks for the purpose of paying tribute to the distinguished junior Senator from West Virginia [Mr. BYRD], for his diligence and his outstanding service in presiding over the Senate. I wish to conclude my remarks by once more paying tribute to him.

I yield the floor.

Mr. PROXMIRE. Mr. President, I should like to conclude on the same note.

However, I wish to point out, in all fairness, that there is a great difference between the problems faced by the Senator from Massachusetts [Mr. KENNEDY] and those faced by the Vice President. All of us know that the Vice President has not had any very serious election competition.

The Vice President was in Wisconsin for only part of one day in this campaign year. He was automatically winner of the Wisconsin primary as elsewhere without competition. On the other hand, the Senator from Massachusetts [Mr. KENNEDY] has had to fight every inch of the way. He has had to earn his right to represent his party in hard-fought primary elections, sometimes against heavy odds.

I believe that in all fairness we should consider these facts when we consider the activities of the two candidates.

One who has to campaign and campaign hard, 16 to 18 hours a day, 7 days a week, all over the country, obviously cannot be in two places at the same time. It is physically impossible for him to be constantly in the Senate.

On the other hand, I know of no reason why the Vice President cannot

[1] Democrats. Republicans unmarked.

discharge his duties as the Presiding Officer of the Senate—although I wish to make it clear that I do not criticize him, for he has his other duties, too.

I should like to conclude this colloquy by pointing out, once again, that at this session the distinguished Presiding Officer [Mr. BYRD of West Virginia] had, when I recently checked the RECORD—presided over the Senate more times and more hours than all 35 Republican Members of the Senate and the Vice President combined.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H.R. 6149. An act for the relief of Wesley C. Newcomb;

H.R. 6456. An act concerning payment of debts out of compensation for trust land on the Lower Brule Sioux Reservation taken by the United States;

H.R. 6498. An act concerning payment of debts out of compensation for trust land in the Standing Rock Sioux Reservation taken by the United States;

H.R. 6529. An act concerning payment of debts out of compensation for trust land on the Crow Creek Sioux Reservation taken by the United States;

H.R. 7480. An act to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil;

H.R. 7847. An act to make the uniform law relating to the record on review of agency orders (Public Law 85–701) applicable to the judicial review of orders issued under the Federal Aviation Act of 1958 and the Food Additives Amendment of 1958;

H.R. 8457. An act for the relief of Richard Schoenfelder and Lidwina S. Wagner;

H.R. 9028. An act to provide that certain funds shall be paid to the Kickapoo Tribal Council of Oklahoma;

H.R. 9226. An act for the relief of Pietro Mela;

H.R. 9652. An act for the relief of Lt. Col. Alonzo C. Tenney;

H.R. 10631. An act for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck;

H.R. 10639. An act to amend section 3(b) of the act of May 9, 1958 (72 Stat. 105) relating to the preparation of a roll of the members of the Otoe and Missouria Tribe and to per capita distribution of judgment funds;

H.R. 10840. An act to amend Public Law 85–626 relating to dual rate contract agreement;

H.R. 11161. An act to donate to the pueblos of Zia and Jemez a tract of land on the Ojo del Esperitu Santo grant, New Mexico;

H.R. 11615. An act to amend section 4 of the Watershed Protection and Flood Prevention Act;

H.R. 11706. An act to authorize an extension of time for final proof under the desert land laws under certain conditions;

H.R. 11952. An act to repeal the act of May 29, 1958, which authorized and directed the Administrator of General Services to provide for the release of restrictions and reservations contained in an instrument conveying certain land by the United States to the State of Wisconsin;

H.R. 11985. An act to make American nationals eligible for scholarships and fellowships authorized by the National Science Foundation Act of 1950;

H.R. 12115. An act to extend the minimum national marketing quota for extra-long staple cotton to the 1961 crop; and

H.J. Res. 696. Joint resolution to provide for the designation of the month of September 1960, as "National Wool Month."

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I should like to have the Senate proceed to consider executive business, to pass on certain of the nominations on the Executive Calendar, and the Japanese Security Treaty, and, after acting on some of the nominations, to make the treaty the pending business. I wish to have that done, because in a few moments I must leave the floor.

Will the course I propose be acceptable to the Senator from Pennsylvania?

Mr. CLARK. Certainly.

Mr. JOHNSON of Texas. Then, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business, to consider certain of the nominations on the Executive Calendar, beginning with the postmaster nominations.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Henry Cabot Lodge, of Massachusetts, to be a representative of the United States of America to the 15th session of the General Assembly of the United Nations;

WAYNE MORSE, U.S. Senator from the State of Oregon, to be a representative of the United States of America to the 15th session of the General Assembly of the United Nations;

GEORGE D. AIKEN, U.S. Senator from the State of Vermont, to be a representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Francis O. Wilcox, Assistant Secretary, International Organization Affairs, Department of State, to be a representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Mrs. Oswald B. Lord, of New York, to be a representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Miss Frances E. Willis, Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway, to be an alternate representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Mrs. Zelma Watson George, of Ohio, to be an alternate representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Arthur F. Lamey, of Montana, to be an alternate representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Frederick Blake Payne, of New York, to be an alternate representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Charles Rosenbaum, of Colorado, to be an alternate representative of the United States of America to the 15th session of the General Assembly of the United Nations;

Vinton Chapin, of New Hampshire, a Foreign Service officer of the class of career minister to be Ambassador Extraordinary and Plenipotentiary to the Dominican Republic;

Leland Barrows, of Kansas, a Foreign Service officer of class 1, now Ambassador Extraordinary and Plenipotentiary to the Republic of Cameroun, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Togo; and

Herbert P. Fales, of California, and sundry other persons, for appointment and promotion in the foreign and diplomatic service.

The PRESIDING OFFICER. If there be no further reports of committees, the nominations on the Executive Calendar, beginning with the postmaster nominations, will be stated.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the postmaster nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. ARMY

The legislative clerk read the nomination of Maj. Gen. Lionel Charles McGarr, O17225, U.S. Army, to be lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the Navy nominations will be considered en bloc; and, without objection, they are confirmed.

APPOINTMENTS IN THE REGULAR ARMY

The legislative clerk proceeded to read sundry nominations for appointment in the Regular Army.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc; and, without objection, they are confirmed.

NOMINATIONS IN THE REGULAR ARMY AND THE REGULAR AIR FORCE, FAVORABLY REPORTED AND PLACED ON THE VICE PRESIDENT'S DESK

The legislative clerk proceeded to read sundry nominations in the Regular Army and the Regular Air Force, favorably reported, and placed on the Vice President's desk, without printing.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

SCHEDULE FOR CONSIDERATION OF NOMINATIONS TO CIVIL AERONAUTICS BOARD, FEDERAL MARITIME BOARD, AND FEDERAL COMMUNICATIONS COMMISSION

Mr. JOHNSON of Texas. Mr. President, I should like to ask Senators to observe that we would like to give consideration on tomorrow—assuming that all Senators have notice, and that it is agreeable—to the nominations to the Civil Aeronautics Board, the Federal Maritime Board, and the Federal Communications Commission.

TREATY OF MUTUAL COOPERATION AND SECURITY WITH JAPAN

Mr. JOHNSON of Texas. Mr. President, while we are in executive session, I should like to have the Japanese security treaty reported and made the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive E (86th Cong., 2d sess.), a Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington on January 19, 1960, which was read the second time, as follows:

TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

The United States of America and Japan,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

The parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the United Nations.

The parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III

The parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid, will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV

The parties will consult together from time to time regarding the implementation of this treaty, and, at the request of either party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each party recognizes that an armed attack against either party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of article 51 of the charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air, and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of U.S. Armed Forces in Japan shall be governed by a separate agreement, replacing the administrative agreement under article III of the Security Treaty Between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

ARTICLE VII

This treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

This treaty shall be ratified by the United States of America and Japan in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

ARTICLE IX

The Security Treaty Between the United States of America and Japan signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this treaty.

ARTICLE X

This treaty shall remain in force until in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the treaty has been in force for 10 years, either party may give notice to the other party of its intention to terminate the treaty, in which case the treaty shall terminate 1 year after such notice has been given.

In witness whereof the undersigned plenipotentiaries have signed this treaty.

Done in duplicate at Washington in the English and Japanese languages, both equally authentic, this 19th day of January, 1960.

For the United States of America:

CHRISTIAN A. HERTER.
DOUGLAS MACARTHUR 2D.
J GRAHAM PARSONS.

For Japan:

NOBUSUKE KISHI.
AIICHIRO FUJIYAMA.
MITSUJIRO ISHII.
TADASHI ADACHI.
KOICHIRO ASAKAI.

AGREED MINUTE TO THE TREATY OF MUTUAL COOPERATION AND SECURITY

Japanese Plenipotentiary:

While the question of the status of the islands administered by the United States under article 3 of the treaty of peace with Japan has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under article IV of the Treaty of Mutual Cooperation and Security. In the event of an armed attack, it is the intention of the Government of Japan to explore with the U.S. measures which it might be able to take for the welfare of the islanders.

U.S. Plenipotentiary:

In the event of an armed attack against these islands, the U.S. Government will consult at once with the Government of Japan and intends to take the necessary measures for the defense of these islands, and to do its utmost to secure the welfare of the islanders.

WASHINGTON, *January 19, 1960.*

C.A.H.
N.K.

WASHINGTON, *January 19, 1960.*

His Excellency CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

EXCELLENCY: I have the honor to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of article VI thereof.

"Major changes in the deployment into Japan of U.S. Armed Forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under article V of the said treaty, shall be the subjects of prior consultation with the Government of Japan."

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI.

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of today's date, which reads as follows:

"I have the honor to refer to the Treaty of Mutual Cooperation and Security Between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of article VI thereof:

" 'Major changes in the deployment into Japan of U.S. Armed Forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under article V of the said treaty, shall be the subjects of prior consultation with the Government of Japan."

"I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

"I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, the renewed assurances of my highest consideration.

CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

EXCELLENCY: I have the honor to refer to the Security Treaty Between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America, and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, as well as the Treaty of Mutual Cooperation and Security Between the United States of America and Japan signed today. It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.

2. The expression "those facilities and areas the use of which is provided to the United States of America under the Security Treaty Between Japan and the United States of America" in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the U.S. Armed Forces under the unified command of the United Nations established pursuant to the Security Council resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington on January 19, 1960.

Accept, Excellency, the renewed assurances of my highest consideration.

CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

WASHINGTON, *January 19, 1960.*

His Excellency CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of today's date, which reads as follows:

"I have the honor to refer to the Security Treaty Between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of my Government that:

"1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.

"2. The expression 'those facilities and areas the use of which is provided to the United States of America under the Security Treaty Between Japan and the United States of America in article V, paragraph 2 of the above-mentioned agreement is understood to mean the facilities and the areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

"3. The use of the facilities and areas by the United States Armed Forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

"I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington on January 19, 1960."

I have the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI.

WASHINGTON, *January 19, 1960.*

His Excellency CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

DEAR SECRETARY HERTER: I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under article IV of the treaty, the two Governments will consult together from time to time regarding the implementation of the treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under article VI of the treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriate be used for these consultations between the Governments would prove very useful. This committee, which would meet whenever requested by either side, could also consider any matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957, would be replaced by this new committee which might be called the Security Consultative Committee. I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security," namely, on the Japanese side, the Minister for Foreign Affairs, who will preside on the Japanese side, and the Director General of the Defense Agency, and on the U.S. side, the U.S. Ambassador to Japan, who will serve as Chairman on the U.S. side, and the Commander in Chief, Pacific, who will be the Ambassador's principal adviser on military and defense matters. The Commander, U.S. forces, Japan, will serve as alternate for the Commander in Chief, Pacific.

I would appreciate very much your views on this matter.

Most sincerely,

NOBUSUKE KISHI.

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

DEAR MR. PRIME MINISTER: The receipt is acknowledged of your note of today's date suggesting the establishment of "the Security Consultative Committee." I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security. I also agree to your proposal regarding the membership of this committee.

Most sincerely,

CHRISTIAN A. HERTER.

AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

The United States of America and Japan, pursuant to article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960, have entered into this Agreement in terms as set forth below:

ARTICLE I

In this Agreement the expression—

(a) "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

(1) Spouse, and children under 21;

(2) Parents, and children over 21, if dependent for over half their support upon a member of the U.S. Army Forces or civilian component.

ARTICLE II

1. (a) The United States is granted, under article VI of the Treaty of Mutual Cooperation and Security, the use of facilities and areas in Japan. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in article XXV of this agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States has the use at the time of expiration of the Administrative Agreement under article III of the Security Treaty Between the United States of America and Japan, shall be considered as facilities and areas agreed upon between the two Governments in accordance with subparagraph (a) above.

2. At the request of either Government, the Governments of the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the U.S. Armed Forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this agreement shall apply.

ARTICLE III

1. Within the facilities and areas, the United States may take all the measures necessary for their establishment, operation, safeguarding and control. In order to provide access for the U.S. Armed Forces to the facilities and areas for their support, safeguarding and control, the Government of Japan shall, at the request of the U.S. Armed Forces and upon consultation between the two Governments through the Joint Committee, take necessary measures within the scope of applicable laws and regulations over land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

2. The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. The Government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States armed forces.

3. Operations in the facilities and areas in use by the U.S. Armed Forces shall be carried on with due regard for the public safety.

ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of Japan.

ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, U.S. Government-owned vehicles including armor, and members of the U.S. Armed Forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the U.S. Armed Forces and between such facilities and areas and the ports or airports of Japan. Such access to and movement between facilities and areas by U.S. military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by U.S. Armed Forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

ARTICLE VII

The U.S. Armed Forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agenices of the Government of Japan.

ARTICLE VIII

The Government of Japan undertakes to furnish the U.S. Armed Forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments:

(a) Meteorological observations from land and ocean areas including observations from weather ships.

(b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.

(c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

(d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

ARTICLE IX

1. The United States may bring into Japan persons who are members of the U.S. Armed Forces, the civilian component, and their dependents, subject to the provisions of this article.

2. Members of the U.S. Armed Forces shall be exempt from Japanese passport and visa laws and regulations. Members of the U.S. Armed Forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the U.S. Armed Forces shall be in possession of the following documents:

(a) personal identity card showing name, date of birth, rank and number, service, and photograph; and

(b) individual or collective travel order certifying to the status of the individual or group as a member or members of the U.S. Armed Forces and to the travel ordered.

For purposes of their identification while in Japan, members of the U.S. Armed Forces shall be in possession of the foregoing personal identity card which must be presented

on request to the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the U.S. Armed Forces shall be in possession of appropriate documentation issued by the U.S. authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this article is altered so that he would no longer be entitled to such admission, the U.S. authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan.

6. If the Government of Japan has requested the removal from its territory of a member of the U.S. Armed Forces or civilian component or has made an expulsion order against an ex-member of the U.S. Armed Forces or the civilian component or against a dependent of a member or ex-member, the authorities of the United States shall be responsible for receiving the person concerned within its own territory or otherwise disposing of him outside Japan. This paragraph shall apply only to persons who are not nationals of Japan and have entered Japan as members of the U.S. Armed Forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the U.S. Armed Forces, the civilian component, and their dependents.

2. Official vehicles of the U.S. Armed Forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the U.S. Armed Forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

ARTICLE XI

1. Save as provided in this agreement, members of the U.S. Armed Forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the U.S. Armed Forces, the authorized procurement agencies of the U.S. Armed Forces, or by the organizations provided for in article XV, for the official use of the U.S. Armed Forces or for the use of the members of the U.S. Armed Forces, the civilian components, and their dependents, and materials, supplies and equipment which are to be used exclusively by the U.S. Armed Forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the U.S. Armed Forces, the authorized procurement agencies of the U.S. Armed Forces, or by the organizations provided for in article XV, or, in the case of materials, supplies and equipment to be used exclusively by the U.S. Armed Forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the U.S. Armed Forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the U.S. Armed Forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the U.S. Armed Forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the U.S. Armed Forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the U.S. Armed Forces, civilian component, and their dependents, which are mailed into Japan through U.S. military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units of the U.S. Armed Forces under orders entering or leaving Japan;

(b) Official documents under official seal and official mail in U.S. military postal channels;

(c) Military cargo shipped on a U.S. Government bill of lading.

6. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be reexported free from customs duties and other such charges.

8. The U.S. Armed Forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the U.S. Armed Forces, members of such forces, the civilian component, and their dependents in accordance with this article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the U.S. Armed Forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The U.S. Armed Forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The U.S. Armed Forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the U.S. Armed Forces seized by the customs authorities of the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of Japan.

2. Materials, supplies, equipment, and services which are required from local sources for the maintenance of the U.S. Armed Forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment, and services procured for official purposes in Japan by the U.S. Armed Forces, or by authorized procurement agencies of the U.S. Armed Forces upon appropriate certification shall be exempt from the following Japanese taxes:

(a) Commodity tax.

(b) Traveling tax.

(c) Gasoline tax.

(d) Electricity and gas tax.

Materials, supplies, equipment, and services procured for ultimate use by the U.S. Armed Forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the U.S. Armed Forces. With respect to any present or future Japanese taxes not specifically referred to in this article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment, and services procured by the U.S. Armed Forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this article.

4. Local labor requirements of U.S. Armed Forces and of the organizations provided for in article XV shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Should the U.S. Armed Forces or as appropriate an organization provided for in article XV dismiss a worker and a decision of a court or a labor relations commission of Japan to the effect that the contract of employment has not terminated become final, the following procedures shall apply:

(a) The U.S. Armed Forces or the said organization shall be informed by the Government of Japan of the decision of the court or commission;

(b) Should the U.S. Armed Forces or the said organization not desire to return the worker to duty, they shall so notify the Government of Japan within 7 days after being informed by the latter of the decision of the court or commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the U.S. Armed Forces or the said organization shall consult together without delay with a view to finding a practical solution of the case;

(d) Should such a solution not be reached within a period of 30 days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to

the cost of employment of the worker for a period of time to be agreed between the two governments.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the U.S. Armed Forces, civilian component, nor their dependents, shall by reason of this article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

1. The U.S. Armed Forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the U.S. Armed Forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the U.S. Armed Forces, or by the organizations provided for in article XV. The provisions of this article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt U.S. citizens who for U.S. income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the U.S. Armed Forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the U.S. Armed Forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the U.S. Armed Forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this article, be subject to the laws and regulations of Japan.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by U.S. standards, or to limitations of U.S. law. The designation shall be withdrawn by the Government of the United States:

(a) Upon completion of contracts with the United States for the U.S. Armed Forces;

(b) Upon proof that such persons are engaged in business activities in Japan other than those pertaining to the U.S. Armed Forces; or

(c) When such persons are engaged in practices illegal in Japan.

3. Upon certification by appropriate U.S. authorities as to their identity, such persons and their employees shall be accorded the following benefits of this agreement:

(a) Rights of accession and movement, as provided for in article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of article IX;

(c) The exemption from customs duties, and other such charges provided for in article XI, paragraph 3, for members of the U.S. Armed Forces, the civilian component, and their dependents;

(d) If authorized by the Government of the United States, the right to use the services of the organizations provided for in article XV;

(e) Those provided for in article XIX, paragraph 2, for members of the Armed Forces of the United States, the civilian component. and their dependents;

(f) If authorized by the Government of the United States, the right to use military payment certificates, as provided for in article XX;

(g) The use of postal facilities provided for in article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

4. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the U.S. Armed Forces to the Japanese authorities.

5. Upon certification by an authorized officer of the U.S. Armed Forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

6. Upon certification by an authorized officer of the U.S. Armed Forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemptions shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance or operation of any of the facilities or areas covered by this agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for U.S. income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

8. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers, and other nonappropriated fund organizations authorized and regulated by the U.S. military authorities may be established in the facilities and areas in use by the U.S. Armed Forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the U.S. military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes, or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1(b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the U.S. Armed Forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

ARTICLE XVII

1. Subject to the provisions of this article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the U.S. Armed Forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the U.S. Armed Forces, the civilian component, and their dependents with respect to offenses, including offenses

relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purpose of this paragraph and of paragraph 3 of this article a security offense against a state shall include—

(i) treason against the state;

(ii) sabotage, espionage, or violation of any law relating to official secrets of that state, or secrets relating to the national defense of that state.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States Armed Forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the U.S. Armed Forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorites of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the U.S. Armed Forces.

5. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the arrest of members of the U.S. Armed Forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the U.S. Armed Forces, the civilian component, or a dependent.

(c) The custody of an accused member of the U.S. Armed Forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its Armed Forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

9. Whenever a member of the U.S. Armed Forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;

(e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the U.S. Armed Forces shall have the right to police any facilities or areas which they use under article II of this agreement. The military police of such forces may take all appropriate measures to insure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and insofar as such employment is necessary to maintain discipline and order among the members of the U.S. Armed Forces.

11. In the event of hostilities to which the provisions of article V of the Treaty of Mutual Cooperation and Security apply, either the Government of the United States or the Government of Japan shall have the right, by giving 60 days' notice to the other, to suspend the application of any of the provisions of this article. If this right is exercised, the Governments of the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

12. The provisions of this article shall not apply to any offenses committed before the entry into force of this agreement. Such cases shall be governed by the provisions of article XVII of the Administrative Agreement under article III of the Security Treaty Between the United States of America and Japan, as it existed at the relevant time.

ARTICLE XVIII

1. Each party waives all its claims against the other party for damage to any property owned by it and used by its land, sea, or air defense services, if such damage—

(a) was caused by a member or an employee of the defense services of the other party in the performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other party and used by its defense services, provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one party against the other party shall be waived, provided that the vessel or cargo salved was owned by a party and being used by its defense services for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either party and located in Japan, the issue of the liability of the other party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counterclaims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of Japan who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e) (i), (ii) and (iii) of this article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each party waives its claim in any such case up to the amount of 1,400 U.S. dollars or 504,000 yen. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this article the expression "owned by a party" in the case of a vessel includes a vessel on bare boat charter to that party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such party).

4. Each party waives all its claims against the other party for injury or death suffered by any member of its defense services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this article apply) arising out of acts or omissions of members or employees of the U.S. Armed Forces done in the performance of official duty, or out of any other act, omission or occurrence for which the U.S. Armed Forces are legally responsible, and causing damage in Japan to third parties, other than the Government of Japan, shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its self-defense forces.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the parties.

(d) Every claim paid by Japan shall be communicated to the appropriate U.S. authorities together with full particulars and a proposed distribution in conformity with subparagraphs (e) (i) and (ii) below. In

default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraphs and paragraph 2 of this Article shall be distributed between the parties as follows:

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to Japan and 75 percent chargeable to the United States.

(ii) Where the United States and Japan are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the defense services of the United States or Japan and it is not possible to attribute it specifically to one or both of those defense services, the amount awarded or adjudged shall be distributed equally between the United States and Japan.

(iii) Every half year, a statement of the sums paid by Japan in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the appropriate U.S. authorities, together with a request for reimbursement. Such reimbursement shall be made, in yen, within the shortest possible time.

(f) Members or employees of the U.S. Armed Forces, excluding those employees who have only Japanese nationality, shall not be subject to any proceedings for the enforcement of any judgment given against them in Japan in a matter arising from the performance of their official duties.

(g) Except in so far as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in Japan) arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of Japan shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the U.S. authorities shall make the payment themselves and inform the authorities of Japan of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or an employee of the U.S. Armed Forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the U.S. Armed Forces shall be dealt with in accordance with paragraph 6 of this article, except insofar as the U.S. Armed Forces are legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member or an employee of the U.S. Armed Forces was done in the performance of official duty or as to whether the use of any vehicle of the U.S. Armed Forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this article, whose decision on this point shall be final and conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of Japan for members or employees of the U.S. Armed Forces in respect of the civil jurisdiction of the courts of Japan except to the extent provided in paragraph 5(f) of this article.

(b) In case any private movable property, excluding that in use by the U.S. Armed Forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the U.S. Armed Forces, the U.S. authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The authorities of the United States and Japan shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labor by or for the U.S. Armed Forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

11. The term "defense services" used in this article is understood to mean for Japan its self-defense forces and for the United States its Armed Forces.

12. Paragraphs 2 and 5 of this article shall apply only to claims arising incident to noncombat activities.

13. The provisions of this article shall not apply to any claims which arose before the entry into force of this agreement. Such claims shall be dealt with by the provisions of article XVIII of the Administrative Agreement under article III of the Security Treaty Between the United States of America and Japan.

ARTICLE XIX

1. Members of the U.S. Armed Forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of U.S. dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this agreement by members of the U.S. Armed Forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The U.S. authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

ARTICLE XX

1. (a) U.S. military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the U.S. Armed Forces. The Government of the United States will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of U.S. authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the U.S. authorities will apprehend and punish members of the U.S. Armed Forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under U.S. supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain U.S. currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by article XIX, paragraph 2, of this agreement.

ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the U.S. Armed Forces, U.S. military post offices for the use of members of the U.S. Armed Forces, the civilian component, and their dependents, for the transmission of mail between U.S. military post offices in Japan and between such military post offices and other U.S. post offices.

ARTICLE XXII

The United States may enroll and train eligible U.S. citizens residing in Japan, who apply for such enrollment, in the reserve organizations of the Armed Forces of the United States.

ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to insure the security of the U.S. Armed Forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to insure the adequate security and protection within its territory of installations, equipment, property, records, and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

ARTICLE XXIV

1. It is agreed that the United States will bear for the duration of this agreement without cost to Japan all expenditures incident to the maintenance of the U.S. Armed Forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will furnish for the duration of this agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights-of-way, including facilities and areas jointly used such as those at airfields and ports, as provided in articles II and III.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting applicable to financial transactions arising out of this agreement.

ARTICLE XXV

1. A Joint Committee shall be established as the means for consultation between the Government of the United States and the Government of Japan on all matters requiring mutual consultation regarding the implementation of this agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the

facilities and areas in Japan which are required for the use of the United States in carrying out the purposes of the Treaty of Mutual Cooperation and Security.

2. The Joint Committee shall be composed of a representative of the Government of the United States and a representative of the Government of Japan, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of the United States or the Government of Japan.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

ARTICLE XXVI

1. This agreement shall be approved by the United States and Japan in accordance with their legal procedures, and notes indicating such approval shall be exchanged.

2. After the procedure set forth in the preceding paragraph has been followed, this agreement will enter into force on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time the Administrative Agreement under article III of the Security Treaty Between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, shall expire.

3. The Government of each party to this agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this agreement which require such action for their execution.

ARTICLE XXVII

Either Government may at any time request the revision of any article of this agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

ARTICLE XXVIII

This agreement, and agreed revisions thereof, shall remain in force while the Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the two Governments.

In witness whereof the undersigned plenipotentiaries have signed this agreement.

Done at Washington, in duplicate, in the English and Japanese languages, both texts equally authentic, this 19th day of January, 1960.

For the United States of America:

CHRISTIAN A. HERTER.
DOUGLAS MACARTHUR 2D.
J GRAHAM PARSONS.

For Japan:

NOBUSUKE KISHI.
AIICHIRO FUJIYAMA.
MITSUJIRO ISHII.
TADASHI ADACHI.
KOICHIRO ASAKAI.

AGREED MINUTES TO THE AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN, REGARDING FACILITIES AND AREAS AND THE STATUS OF U.S. ARMED FORCES IN JAPAN

Two Plenipotentiaries of the United States of America and Japan wish to record the following understanding which they have reached during the negotiations for the agreement under article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of U.S. Armed Forces in Japan, signed today:

ARTICLE III

The measure that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes of this Agreement, include, inter alia, the following:

1. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas;

2. To remove buildings or structures, make alterations, attach fixtures, or erect additions thereto and to construct any additional buildings or structures together with auxiliary facilities;

3. To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas;

4. To control (including measures to prohibit) insofar as may be required by military necessity for the efficient operation and safety of the facilities and areas, anchorages, moorings, landings, takeoffs and operation of ships and waterborne craft, aircraft and other vehicles on water, in the air or on land comprising, or in the vicinity of, the facilities and areas;

5. To construct on rights of way utilized by the United States such wire and radio communications facilities, including submarine and subterranean cables, pipelines, and spur tracks from railroads, as may be required for military purposes; and

6. To construct, install, maintain and employ in any facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices.

ARTICLE IV

1. "U.S. and foreign vessels * * * operated by, for, or under the control of the United States for official purposes" mean U.S. public vessels and chartered vessels (bare boat charter, voyage charter and time charter). Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases.

2. The Japanese ports mentioned herein will ordinarily mean "open ports."

3. The exemption from making "appropriate notification" will be applicable only to exceptional cases where such is required for security of the U.S. Armed Forces or similar reasons.

4. The laws and regulations of Japan will be applicable except as specifically provided otherwise in this article.

ARTICLE VII

The problem of telecommunications rates applicable to the U.S. Armed Forces will continue to be studied in the light of, inter alia, the statements concerning article VII recorded in the official minutes of the 10th Joint Meeting for the Negotiation of the Administrative Agreement signed on February 28, 1952, which are hereby incorporated by reference.

ARTICLE IX

The Government of Japan will be notified at regular intervals, in accordance with procedures to be agreed between the two Governments, of numbers and categories of persons entering and departing.

ARTICLE XI

1. The quantity of goods imported under paragraph 2 by the organizations provided for in article XV for the use of the members of the U.S. Armed Forces, the civilian component, and their dependents shall be limited to the extent reasonably required for such use.

2. Paragraph 3(a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment.

3. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo shipped to the U.S. Armed Forces on a U.S. Government bill of lading, the term "military cargo" being used to distinguish cargo shipped to the U.S. Armed Forces from cargo shipped to other agencies of the U.S. Government.

4. The U.S. Armed Forces will take every practicable measure to ensure that goods will not be imported into Japan by or for the members of the U.S. Armed Forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The U.S. Armed Forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered.

5. The Japanese customs authorities may, if they consider that there has been an abuse or infringement in connection with the entry of goods under article XI, take up the matter with the appropriate authorities of the U.S. Armed Forces.

6. The words "The U.S. Armed Forces shall render all assistance within their power etc." in paragraph 9 (b) and (c) refer to reasonable and practicable measures by the U.S. Armed Forces.

ARTICLE XII

1. The U.S. Armed Forces will furnish the Japanese authorities with appropriate information as far in advance as practicable on anticipated major changes in their procurement program in Japan.

2. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between United States and Japanese economic laws and business practices will be studied by the Joint Committee or other appropriate persons.

3. The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the U.S. Armed Forces will be as follows:

a. Upon appropriate certification by the U.S. Armed Forces that materials, supplies, and equipment consigned to or destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in article II or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of commodity and gasoline taxes shall be held in abeyance.

b. The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized officer of the U.S. Armed Forces to the Japanese authorities.

c. Collection of commodity and gasoline taxes shall be held in abeyance until

(1) The U.S. Armed Forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or

(2) The U.S. Armed Forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by U.S. Armed Forces.

d. Materials, supplies, and equipment certified under c (1) or (2) shall be exempt from commodity and gasoline taxes insofar as the price thereof is paid out of U.S. Government appropriations or out of funds contributed by the Japanese Government for disbursement by the United States.

4. The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in article XV in connection with the employment of workers to be provided for such organizations.

5. It is understood that the term "the legislation of Japan" mentioned in paragraph 5, article XII includes decisions of the courts and the Labor Relations Commissions of Japan, subject to the provisions of paragraph 6, article XII.

6. It is understood that the provisions of article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the U.S. Armed Forces.

7. It is understood that the organizations referred to in article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.

ARTICLE XIII

With respect to article XIII, paragraph 2 and article XIV, paragraph 7, income payable in Japan as a result of service with or employment by the U.S. Armed Forces or by the organizations provided for in article XV, or under contract made in the United States with the U.S. Government, shall not be treated or considered as income derived from Japanese sources.

ARTICLE XV

The facilities referred to in paragraph 1 may be used by other officers and personnel of the U.S. Government ordinarily accorded such privileges abroad.

ARTICLE XVII

Re paragraph 1(a) and paragraph 2(a):

The scope of persons subject to the military laws of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a)(ii):

Where a member of the U.S. Armed Forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way article 318 of the Japanese Code of Criminal Procedure.

Re paragraph 3(c):

1. Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as U.S. nationals for the purposes of this paragraph.

Re paragraph 5:

1. In case the Japanese authorities have arrested an offender who is a member of the U.S. Armed Forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the U.S. military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The U.S. authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

2. The U.S. military authorities shall promptly notify the Japanese authorities of the arrest of any member of the U.S. Armed Forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

Re paragraph 9:

1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the U.S. Armed Forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:

(a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;

(b) He shall enjoy the right to a public trial by an impartial tribunal;

(c) He shall not be compelled to testify against himself;

(d) He shall be permitted full opportunity to examine all witnesses;

(e) No cruel punishment shall be imposed upon him.

2. The U.S. authorities shall have the right upon request to have access at any time to members of the U.S. Armed Forces, the civilian component, or their dependents who are confined or detained under Japanese authority.

3. Nothing in the provisions of paragraph 9(g) concerning the presence of a representative of the U.S. Government at the trial of a member of the U.S. Armed Forces the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Japanese Constitution with respect to public trials.

Re paragraphs 10(a) and 10(b):

1. The U.S. military authorities will normally make all arrests within facilities and areas in use by and guarded under the authority of the U.S. Armed Forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the U.S. Armed Forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the U.S. Armed Forces are within facilities and areas in use by the U.S. Armed Forces, the U.S. military authorities will undertake, upon request, to arrest such persons. All persons arrested by the U.S. military authorities, who are not subject to the jurisdiction of the U.S. Armed Forces, shall immediately be turned over to the Japanese authorities.

The U.S. military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the U.S. Armed Forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the U.S. Armed Forces or with respect to property of the U.S. Armed Forces wherever situated, except in cases where the competent authorities of the U.S. Armed Forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the U.S. Armed Forces or with respect to property of the U.S. Armed Forces in Japan is desired by the Japanese authorities, the U.S. military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the U.S. Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

ARTICLE XIX

Payment in Japan by the U.S. Armed Forces and by those organizations provided in article XV to persons other than members of the U.S. Armed Forces, civilian components, their dependents and those persons referred to in article XIV shall be effected in accordance with the Japanese foreign exchange control law and regulations. In these transactions the basic rate of exchange shall be used.

ARTICLE XXI

U.S. military post offices may be used by other officers and personnel of the U.S. Government ordinarily accorded such privileges abroad.

ARTICLE XXIV

It is understood that nothing in this Agreement shall prevent the United States from utilizing, for the defrayment of expenses which are to be borne by the United States under this Agreement, dollar or yen funds lawfully acquired by the United States.

WASHINGTON, *January 19, 1960.*

C.A.H.
N.K.

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

EXCELLENCY: I have the honor to refer to paragraph 6(d) of article XII of the Agreement under article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of U.S. Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed 1 year after the notification provided for in paragraph 6(b) of article XII of the above-cited agreement, and may be determined in the consultations under paragraph 6(c) of

article XII above on the basis of mutually agreeable criteria.

If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

WASHINGTON, *January 19, 1960.*

His Excellency CHRISTIAN A. HERTER,
Secretary of the State of the United States of America.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honor to refer to paragraph 6(d) of article XII of the Agreement under article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of U.S. Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that 'in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.'

"I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed 1 year after the notification provided for in paragraph 6(b) of article XII of the above-cited agreement, and may be determined in the consultations under paragraph 6(c) of article XII above on the basis of mutually agreeable criteria.

"If the proposal made herein is acceptable to the Government of Japan, this note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments."

I have the honor to inform Your Excellency that the Government of Japan accepts the above proposal of the Government of the United States, and to confirm that your note and this reply are considered as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI.

Mr. JOHNSON of Texas. Mr. President, as I said earlier today, we shall proceed in orderly fashion to the consideration of the treaty. The Department has advised us that it considers ratification of the treaty of extreme importance. The Secretary testified again to that effect this morning.

At the moment, the chairman of the Foreign Relations Committee [Mr. FULBRIGHT] is having lunch with an Ambassador, but thereafter will be prepared to go into a detailed discussion of the treaty.

I should like to have all the aids, on both sides of the aisle, notify absent Senators, because this is a matter of the highest importance, and all Senators should be prepared to come to the Chamber and discuss the matter on its merits.

The minority policy committee is having its meeting. For that reason, it is agreeable to the chairman of the Foreign Relations Committee that the Senate not proceed to discuss the treaty at the moment. But we shall do so in a short time.

In a moment, I must leave the floor, and I shall not be able to return for a while. I wish all Senators to know what is planned.

Mr. CASE of South Dakota. Is it planned to take up the independent offices appropriation bill before the Japanese Treaty is acted on?

Mr. JOHNSON of Texas. No. That appropriation bill is the unfinished business. But when it is agreeable to the Senator from Arkansas [Mr. FULBRIGHT] and when it is agreeable to the minority leader [Mr. DIRKSEN], we shall discuss the treaty with Japan; and I wish all Senators to be on notice.

Mr. CASE of South Dakota. Can the Senator from Texas give any indication, in point of time, as to when that might be—possibly around 2 o'clock?

Mr. JOHNSON of Texas. I cannot tell; I do not know how long it will be before the Senators who now are out of the Chamber will enter the Chamber.

Mr. CASE of South Dakota. I hope to get some lunch, myself, in a few minutes.

Mr. JOHNSON of Texas. Certainly the Senator from South Dakota is entitled to do so, for he is one of the most dedicated and conscientious Members of this body; and certainly he should not hesitate to leave the Chamber to go to lunch.

Mr. McCLELLAN. Mr. President, there is a matter which I should like to have taken up.

Mr. JOHNSON of Texas. Has the Senator from Arkansas cleared his request with the minority?

Mr. McCLELLAN. I am sure there is no objection.

Mr. JOHNSON of Texas. It would be best, first, to have definite clearance with the minority.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Are we in executive session to consider the Japanese Treaty?

The PRESIDING OFFICER. The treaty is before the Senate as in Committee of the Whole.

Mr. JOHNSON of Texas. Mr. President, for several days I have been in constant touch with the highly respected, very able Senator from Arkansas [Mr. FULBRIGHT], chairman of the Foreign Relations Committee, and the State Department, and I am informed by the Senator from Arkansas that he is now prepared to make his recommendations to the Senate.

As all of us who serve with him know, the Senator from Arkansas has rendered outstanding service in the field of relations with other nations. Since he first came to Congress as a Member of the other body, he has taken active leadership in this field. His voice and his vote are respected throughout the world, but particularly in this Chamber, with those of us who know him best.

I shall follow with great interest the recommendations the Senator will make, and I hope other Senators will do likewise.

The PRESIDING OFFICER. The treaty is before the Senate for consideration.

Mr. FULBRIGHT. Mr. President, I wish to express my appreciation to the majority leader for the kind words he has said about the chairman of the Foreign Relations Committee. He has cooperated in every possible way with the chairman in arranging to have this treaty brought before the Senate today.

Mr. President, the Committee on Foreign Relations has favorably reported Executive E, the Treaty of Mutual Cooperation and Security to the Senate. This agreement has been nearly 2 years in the making, but in the past few weeks—on the eve of its ratification by both parties—it has become an issue of barely manageable proportions in Japan and a source of deep concern in this country and elsewhere. The uncomfortable intensity of this drama has been sharpened by the cancellation of the President's visit to Japan, a regrettable and unfortunate development.

In trying to get a broad understanding of this situation, it should first be noted that the Sino-Soviet bloc, in whipping up opposition to the treaty, has unleashed a torrent of slander and abuse that is interesting, both for its intensity and its volume. This campaign has been supported tactically by a peculiarly crude, arm-twisting diplomatic pressure. Clearly, the revision of this security treaty is for our adversaries an event so inconsonant with their objectives as to dictate a maximum—indeed, an exceptional—effort to prevent its happening.

Having said this, I should quickly add that the opposition in Japan to the pending treaty is by no means confined to Communist-oriented elements. Great numbers of literate, highly motivated people oppose it—wrongly, in my view—because they believe that any such treaty will earn for Japan not security, but insecurity. More specifically, they fear that the war-renouncing article of the Japanese Constitution will eventually disappear, in the face of a revived militarism. They also fear that a mutual security treaty conceivably could involve Japan in a war that might otherwise have been avoided.

Mr. President, I deeply respect the concern of these well-meaning Japanese. Their reservations are doubtless reinforced by their shattering experience in World War II, which for them included massive bombings and, finally, atomic attack.

I should like to quote at this point a fragment of the conclusion of the committee report on the treaty:

Some of the pacific, antitreaty elements in Japan ask that their country be left free

to cultivate such benign pursuits as trade, commerce, and science. The committee would sympathetically remind the Japanese who hold such views of the threats of those who, by one means or another, are determined to bring all such activities within the scope of their own dictatorial control.

The point I should like to leave with my Japanese friends, some of whom are in the galleries, is that the prospect of war is as abhorrent to the United States as it is to Japan. In view of the unmistakable and implacably hostile intentions of the Communist bloc, the United States has taken the lead in trying to protect the non-Communist countries from either war, or external domination. In performing this historic role, the United States has made alliances with many other nations. The United States can only perform this urgent mission in collaboration with other nations whose benign and peaceful aspirations are compatible with its own. Japan is surely one of these nations.

It is my belief that the majority of the Japanese acknowledge and welcome the growing interdependence between their country and ours. I believe, as well, these Japanese recognize that the aims and sentiments of the American people are much the same as their own. The communique that was issued by Prime Minister Kishi and President Eisenhower on the occasion of the signing of this treaty contained strong evidence that both leaders were deeply aware of this dominant interest of their peoples in the quest for peace.

Mr. President, I should like to quote a significant section of that joint statement:

The President and the Prime Minister agreed that disarmament, with the essential guarantees of inspection and verification, is a problem of urgent and central importance to all nations, whose resolution would contribute greatly to reducing the burden of armaments and the risk of war. They expressed the further hope that early agreement can be reached on an adequately safeguarded program for the discontinuance of nuclear weapons tests. They concluded that the world is entering a period affording important opportunities which they have every intention of exploring most seriously, but only on the basis of tested performance, not merely promises. Both leaders recognized that all of man's intellect, wisdom and imagination must be brought into full play to achieve a world at peace under justice and freedom.

I hasten to say that the views expressed in the communique of last January are shared in this country by Republicans and Democrats alike. Whoever our next President is, he will most certainly endorse the spirit and letter of the Eisenhower-Kishi statement. And I know that most Japanese are profoundly interested in advancing the cause of such objectives as phased disarmament and a nuclear test suspension.

In my studied opinion, nothing in the treaty before the Senate is inconsistent with the spirit of the language that I have just quoted. The treaty is defensive in character. It formalizes a relationship that has grown in importance both to the treaty parties themselves, and to other nations with a common interest in remaining free of foreign domination.

Earlier in these remarks, I used the word "interdependence" to characterize the relationship that has developed between the United States and Japan. It was used advisedly. Both countries are among the world's great trading nations, and each is a great market for the other's goods. In 1958, the United States supplied nearly 35 percent of Japan's imports and absorbed about one-fourth of Japanese exports. Only Canada buys more American goods.

In the arts and sciences, there is a growing mutuality of respect between Americans and Japanese. A great many Americans record their fondest experiences with Japanese cameras, buy Japanese prints and paintings, and see performances by Kabuki dancers when the rare opportunity presents itself. A good many American soldiers who were assigned to Japan returned home with Japanese wives. There is no question but that the two peoples find much that is admirable and compatible in one another. In view of the bitter war that was concluded only 15 years ago, this salutary development in their relations is all the more remarkable.

The consequences of war caused significant changes in Japan. Military vulnerability is one example. However, nothing has discouraged or deterred the prodigious Japanese enterprise and capacity for economic growth. By 1958, virtually all sectors of the Japanese economy—industry, mining, public utilities, agriculture and fishing—were well above the prewar—1934–36—average. National income had risen by about 68 percent above the prewar level. Per capita income was about $262, which, while substantially below that of many Western nations, is about three times higher than the average of other Asian nations in the Far East. In total industrial output, Japan ranked seventh in the non-Communist world in 1957, falling barely behind France and Italy. Japan has led the world in shipbuilding in the last 3 years and in 1958 was the fifth largest producer of crude steel, exclusive of Communist bloc countries.

In short, Japan represents one of the four great industrial complexes of the world. The other three are, of course, the United States, Western Europe, and the Soviet Union. The latter will be joined in this small elite by Communist China. At that point it would seem that the only other modern industrial society in Asia will still be Japan. The example of Japan has significance for other Asian nations, and by its example Japan can represent a counterpoise to the aggressive thrust of international communism in the Far East. Thus, Japan has become a factor in the struggle for freedom which has become the central struggle in our lives and which will dominate our future, almost certainly for the balance of this century.

It is against that background that the campaign by the Sino-Soviet bloc against this treaty must be considered. As noted, there is nothing aggressive in the treaty. Nor does it grant to the United States a "senior partner" status, or privileges outside the framework of a normal quid pro quo. To the contrary, less than 15 years after Japan's unconditional surrender to the Allied Powers, this treaty emphasizes, in the language of the committee report, "Japan's rebirth as a fully sovereign nation." This is implicit in the preamble, in several of the articles of the treaty, and in relevant exchanges of notes between officals of the treaty parties.

Under the existing security treaty, which was signed in 1951, Japan, by implication, was required to rely for its defense upon the military forces of the United States. However, the preamble of the new treaty says that the two nations share "a common concern in the maintenance of international peace and security in the Far East."

What this and other concessions to Japanese opinion reflect is the somewhat anachronistic character of certain provisions in the existing agreement. For example, one significant deletion is the provision—in article I of the old treaty—that U.S. forces could be used at the discretion of the Japanese Government to "put down large-scale internal riots and disturbances in Japan." Also deleted was a provision forbidding Japan to grant "without the prior consent" of the United States any military rights to a third power.

Article V stresses the coequal status of the partners, providing that an attack on either in Japanese territory would constitute a "common danger" that both must meet together "in accordance with the constitutional provisions and processes" of each. As noted in the report, the reference to "constitutional provisions" implies an acknowledgment of article IX of the Japanese Constitution, the war-renouncing article which forbids Japan to send military forces away from its own shores. Furthermore, under this article, the treaty parties acknowledge the ultimate authority of the United Nations in settling disputes between nations. They pledge themselves to report all measures taken to deal with an armed attack to the Security Council, and to terminate these measures when the Security Council "has taken the measures necessary to restore and maintain international peace and security."

Mr. President, at this point I should add that, of the 10 articles in this treaty, 4 of them either affirm or imply the primacy of the role of the United Nations in settling matters that endanger international peace and security.

Under article VI the continued use by the United States of certain military facilities in Japan is assured. The details regarding maintenance of these facilities, as well as the status of U.S. forces in Japan, are spelled out in an executive agreement that supersedes the present agreement covering these matters.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. Does the treaty provide some arrangement that requires the consent of the Japanese Government for the shifting of American troops to other theaters?

Mr. FULBRIGHT. The agreement is that such movement would follow consultation with the Japanese. The agreement provides for consultation, a term which was interpreted in the hearings to mean the assent of the Japanese.

Mr. LONG of Louisiana. Let me see if I understand the answer. The troops that are stationed on Japanese soil, for the most part, are from either the Air Force or the Navy, are they not?

Mr. FULBRIGHT. They are largely from the Air Force.

Mr. LONG of Louisiana. Does the Senator know whether there are any substantial Navy contingents there?

Mr. FULBRIGHT. The number is substantial, but the number is not as large as that of the Air Force.

Mr. LONG of Louisiana. There could conceivably be a number of marines in addition to the Air Force?

Mr. FULBRIGHT. That is correct.

Mr. LONG of Louisiana. Under the agreement, the troops that are there could be used outside Japan only with the consent of the Japanese Government, if I understand correctly what the Senator has said.

Mr. FULBRIGHT. The language of the treaty is "prior consultation" with the Japanese Government. During our interrogation of the Secretary, the committee asked, "Does that term mean 'assent'?"

He said it did.

Mr. LONG of Louisiana. Does the agreement between the President of the United States and the Prime Minister of Japan stipulate that there must be assent or agreement with the Japanese before our troops on Japanese soil could be used outside Japan?

Mr. FULBRIGHT. If there is an attack upon Japan in which both countries are involved, it is understood that the military forces would be used in our common defense. A situation in which the United States desired to use its forces outside Japan, and an attack upon Japan itself was not involved, those forces could be used after consultation, which, as explained at the hearings, means the assent of the Japanese.

Mr. LONG of Louisiana. So if the Senate ratifies the agreement, it will do so with the full understanding that our troops stationed on Japanese soil cannot be used outside of Japan without the consent of the Japanese Government, is that correct?

Mr. FULBRIGHT. I think that is a fair statement. That is not the language of the treaty but the Secretary of State, in response to questioning, said that he interpreted the word "consultation" to mean the equivalent of Japan's assent. If the Japanese seriously objected and would not assent to an action that we wished to undertake I would assume that the spirit of this treaty would mean that we would not take the action.

Mr. LONG of Louisiana. Certainly, so far as Senators are concerned, when we vote to ratify the treaty, we should understand the meaning of the word "consultation" in the context in which it is used. It means American forces cannot be used outside Japan without agreement of Japan. Is that correct?

Mr. FULBRIGHT. I refer the Senator to the transcript of the hearings. I think I have stated the hearings as accurately as I can. That is what the hearings reflect.

Mr. LONG of Louisiana. Does the executive agreement make any more clear what the word "consultation" means in the context?

Mr. FULBRIGHT. I can refer to the page of the transcript of the hearings, which makes the point very clear. There are two places in which reference is made. I refer first to the note on page 9, if the Senator has that before him.

Mr. LONG of Louisiana. Does the Senator have a copy of the executive agreement which implements this language?

Mr. FULBRIGHT. To complete the RECORD, let me read this language and then I will show the Senator from Louisiana the point where the question was asked of the Secretary.

> Major changes in the deployment into Japan of U.S. Armed Forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under article V of the said treaty, shall be the subject of prior consultation with the Government of Japan.

This is an agreed exchange of notes between Mr. Herter and the Prime Minister of Japan. Then at page 10 of the hearings I asked the Secretary:

> The CHAIRMAN. Does the term "prior consultation" as expressed in the minute to the treaty mean that Japanese assent is required as a precondition to certain U.S. military activities in the area?
>
> Secretary HERTER. It would.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. At the bottom of page 19 also the Senator from Vermont [Mr. AIKEN] asked the meaning of "prior consultation," and at the top of page 20, Secretary of State Herter in effect gave to the Senator from Vermont the same answer in a little more detail than he gave to the chairman of the committee.

Mr. LONG of Louisiana. So no doubt remains that, after the treaty is agreed to, we could not use our bases in Japan in the way we did during the Korean war, when those bases were used as staging bases to bring our forces forward into that conflict without the consent of the Japanese Government?

Mr. FULBRIGHT. That is correct. I think there could be independent logistic support, but no independent movement of forces. And I think that it would be useful to have this freedom of logistic activity.

Mr. LONG of Louisiana. To cite a specific situation, if fighting broke out tomorrow and this treaty were ratified and became effective tomorrow, and fighting should break out in Korea the day after tomorrow, our forces that are stationed in Japan could not be shifted forward into Korea for support or to engage in hostile activities there without the consent of the Japanese Government?

Mr. FULBRIGHT. I think that is correct. This is one of the principal changes between the present treaty and the new treaty.

I have tried to make that clear in my remarks. I shall make it even clearer by saying that I have no doubt that we are giving up rights of a substantial nature that we now have. But most of us believe that there are good reasons for doing that. In the broadest sense this treaty means a return of full sovereignty to Japan. This is one of the key adjustments. I hope I have made that clear. I certainly intended to do so. The rest of my remarks will, I hope, support that same thought.

Mr. LONG of Louisiana. Would the Senator not agree that this is a very major concession so far as the defense posture of this Nation is concerned?

Mr. FULBRIGHT. I would say it is a major concession, yes; but we believe there are good reasons for making it.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. TALMADGE. I should like to ask the distinguished chairman of the Foreign Relations Committee, if Russia or Red China fired a thermonuclear missile and it landed on the city of Washington or the city of New York, would we still have to consult with the Japanese Government before we could use our forces stationed in Japan for the purpose of retaliation?

Mr. FULBRIGHT. Under the treaty, I think so.

Mr. TALMADGE. Is that same situation true with other treaties with countries where we have American forces stationed?

Mr. FULBRIGHT. Does the Senator mean in NATO?

Mr. TALMADGE. Yes; in NATO, or SEATO.

Mr. FULBRIGHT. Well, under the NATO agreement we do agree to consult as to the measures to be taken in our common defense. But as for our own defense the NATO treaty is more flexible in this respect. We could use our own forces. I might say that one of the further reasons for this particular aspect of the treaty, with regard to Japanese participation, is article 9 of the Japanese constitution, which forbids Japan to take the reciprocal obligation that our NATO partners do.

Mr. BUSH and Mr. HICKENLOOPER addressed the Chair.

Mr. TALMADGE. Will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. HICKENLOOPER. I should like to interject on the point the Senator from Georgia has raised. It occurs to me that the NATO treaty contains a specific provision that an attack on one is an attack on all. There is that particular provision in the NATO treaty.

Mr. FULBRIGHT. Yes; but the Senator asked if the Russians, in a hypothetical case, should attack us, we could use our forces stationed in England in retaliation without consulting the Government.

Mr. HICKENLOOPER. I am sorry, but I think perhaps I misunderstood the statement.

Mr. TALMADGE. I asked, first, with reference to Japan. The able Senator replied, as I understand, that our forces located in Japan could not retaliate without prior approval of the Japanese Government. I followed that up by asking if that were true of other countries where we have American military components stationed.

Mr. HICKENLOOPER. Mr. President——

Mr. TALMADGE. Would the Senator answer that question first?

Mr. HICKENLOOPER. Perhaps I misconstrued the statement. In the NATO agreement and in some of the other agreements, as I understand, where the statement is used that an attack is an attack on all, it would be my personal opinion that in these cases an attack on us would be considered an attack on our allies, under the NATO agreement.

Mr. FULBRIGHT. Under the NATO treaty, the parties would act together in a common cause. It would follow consultation in accordance with our constitutional processes. But as to how we could deploy our forces from another NATO country, it is our opinion that we could use them in a retaliatory gesture.

Mr. TALMADGE. Are there any other agreements, except the proposed treaty with Japan, under which we could not utilize our military forces for retaliation if we were attacked?

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. FULBRIGHT. We have so many different alliances, I do not believe I should answer that question offhand. I will review it.

Mr. TALMADGE. Does the Senator know of any other existing treaty under which American forces could not be used for retaliation if we were attacked?

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am trying to think on that point. I might mention the case of Taiwan. As a practical matter I think that we certainly would have no difficulty in achieving agreement with our allies either in NATO or in SEATO in this connection. I would hesitate to answer immediately the question with regard to forces on Taiwan, for example.

Mr. TALMADGE. Does the able Senator have an opinion as to whether it would be wiser to have our military forces located in some other area, where they could be immediately utilized for retaliation if the situation made it necessary?

Mr. FULBRIGHT. No; not so far as speaking of Japan is concerned. I think it is the right place for the forces we have there. I have tried to make that clear. It is the strongest nation in the area. It has the greatest industrial base. It is an area which we have a greater interest in protecting than any other in the Far East.

Mr. TALMADGE. I am delighted that the Senator from Arkansas has the floor and that he has yielded for a series of questions.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. In response to the question raised by the distinguished Senator from Georgia, article 5 of the treaty states:

Each party recognizes that an armed attack against either party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Mr. TALMADGE. That language would have to do with an attack on Japan, at which point we would go to the aid of Japan. If an attack were made against America, Japan might not go to the aid of America.

Mr. MANSFIELD. It reads:

Each party—

That is, Japan and the United States—

recognizes that an armed attack against another party in the territories—

Mr. TALMADGE. Under the administration of Japan.

Mr. MANSFIELD. Yes.

Mr. TALMADGE. That does not mean Washington or Florida or Seattle.

Mr. MANSFIELD. No. What I am trying to get at is this. The American troops and a few marines and some sailors stationed there, so far as the treaty is concerned, are in an area under the jurisdiction of Japan. That is why I wished to call this article to the attention of Senators, as to just what the situation is vis-a-vis this particular treaty as it affects American forces in Japan.

Mr. TALMADGE. I still do not understand how the treaty would apply to release and trigger American forces stationed in Japan if the attack were not on Japan itself but against the continental United States of America or on some of our possessions.

Mr. MANSFIELD. I would have the idea that there are other countries in which American troops are stationed which would likewise be in the same position. I refer to the fact that we have a large base at Wheelus Field in Libya, and another at Dhahran, Saudi Arabia. There very likely are other places where the same situation would apply and the same result could be anticipated. As far as the NATO countries are concerned, the Senator from Iowa [Mr. HICKENLOOPER] is correct when he states that an attack against one is an attack against all the other members of the NATO group.

Mr. TALMADGE. Mr. President, will the distinguished chairman of the Foreign Relations Committee yield further?

Mr. FULBRIGHT. I yield.

Mr. TALMADGE. What are the terms of the treaty with reference to the jurisdiction of the courts of Japan over American troops, military personnel or civilians that are involved in the criminal or civil courts?

Mr. FULBRIGHT. The criminal jurisdiction provision is the same as that provided in the NATO Status of Forces Treaty. I refer the Senator from Georgia to page 23 of the message from the President of the United States on Executive E.

ARTICLE XVII

1. Subject to the provisions of this Article.

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States Armed Forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States Armed Forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States Armed Forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States Armed Forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

These are the same provisions that we ratified in 1953, with respect to the NATO countries.

On page 81 of the hearings there is a discussion of the subject.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield to the Senator from Connecticut.

Mr. BUSH. Mr. President, I am very much disturbed by this very discussion. I should like to point it up a little more closely. It does not seem to me that the treaty or the letter from the Prime Minister would foreclose the possibility of the United States acting promptly by using its Armed Forces in the event, for

instance, of an attack on South Korea, where we have our own forces stationed for the defense of South Korea; or, let us say, upon Okinawa, where we have forces stationed also. I do not believe the treaty should forbid the use of our forces stationed in Japan for such a purpose.

Mr. FULBRIGHT. It does not forbid their use.

Mr. BUSH. That is the point I wanted the Senator to make very clear for the record.

Mr. FULBRIGHT. It does not forbid their use. It merely provides that we shall consult with Japan.

Mr. BUSH. That is correct; but it does not necessarily give the Japanese a veto power upon the use of forces for such a purpose.

Mr. FULBRIGHT. It would be only those forces stationed in Japan itself; it would not apply to other forces. The situation mentioned by the Senator from Georgia [Mr. TALMADGE] would apply only where the act of aggression took place outside the area concerned. He cited a situation in which New York or Washington was bombed. It is contemplated by the treaty, and the proper interpretation of it, in my opinion, is that in certain situations the forces which are in Japan would be used only after consultation with Japan. I am confident there would be no great difficulty in the consultations. The treaty parties have common concerns and common objectives.

Mr. BUSH. The word "consultation" is a moot expression.

Mr. FULBRIGHT. There is nothing moot about it. It is clear from the letter and the record that it means that the consent of Japan is a precondition to certain activities. I do not want any misunderstanding to arise about that. That is my interpretation of the language, and it is what our Government says it means.

Mr. BUSH. I have the greatest respect for the Senator from Arkansas, but I frankly think that if the treaty meant to say it would require the consent of the Japanese Government for us to use such forces, under the circumstances I have mentioned, the treaty ought to say so; but it does not say so.

Mr. FULBRIGHT. The trouble with that view is that it neglects the borderline cases. I think it is wiser not to try to anticipate every possible combination of circumstances in a treaty. I think there are valid reasons for drafting the treaty in the way in which it was drawn. I think it will be found in actual practice that situations arise which do not follow preconceived ideas; so it is necessary to have some flexibility.

I do not want to deceive anyone. I asked the Secretary of State about this matter, and I read what he said.

As a general proposition, where the issue is quite outside the territory of Japan, the Japanese Government wants to be consulted before the forces on their land involve them in a war. To me, there is nothing irrational or irregular about that. I think a country which allows foreign military forces to be stationed on her own soil has some interest in how those forces are used.

We must remember that Japan is a great country and is allowing the forces of another country to be stationed on her soil. I think Japan has an interest in the question when something takes place in another theater. If something occurred within the area of Japan, that would be a different matter.

Mr. BUSH. I appreciate what the Senator says, but I still return to the language about consultation. I think it is safe, as does the Senator from Arkansas, and as the Secretary of State probably does. I think it is safe because it does not talk about consent; it talks about consultation.

I think it is appropriate that the Japanese, if we are to station our troops in Japan—and incidentally, we have no ground troops there; we have only Air Force and Navy personnel there—should be consulted, because the relationships between the two Governments are close, and we hope they will remain close and become closer. We hope our ties will become cemented by friendly, satisfactory relations. There is little doubt that the Japanese would respond to any reasonable request or any reasonable consultation if we felt it was necessary for us to use our forces stationed there in connecton with an incident in Korea, for example.

Mr. FULBRIGHT. I think the Senator from Connecticut is carrying this further than I intended to.

I refer again, if it concerns the Senator from Connecticut too much, to a further statement on the question on page 19 of the hearings, when the Senator from Vermont [Mr. AIKEN] explored it a little further.

Mr. BUSH. Is this statement in the RECORD?

Mr. FULBRIGHT. It is in the hearings. The Senator can see that the matter was not overlooked at all. I first asked about it, and later the Senator from Vermont asked almost the same question.

The language does not mean that we are tied down and cannot use our troops at all; that they are immobilized. It means that if something occurs between the United States and Cuba, for example, and we wanted to use our forces here, we could bring them back and use them, if necessary.

I believe, as a practical matter, that this provision is not nearly so important as it is made to appear. I do not imagine anything could occur in the Far East without involving Japan. Japan is one source of strength in that whole area outside the Communist world. I think, as a practical matter, that we are not taking any great risks. I think Japan would be involved in a conflict in that theater. It would be very foolish, it seems to me, for Communist Red China or the Russians to bypass Japan. I do not believe they could. Japan is a source of strength.

Mr. BUSH. I thank the Senator from Arkansas for his statement. I should like to make a further observation. So long as we are talking about consultation and not consent, I think the Senator is correct. I do not believe that there is any danger in that respect. Nevertheless, I wanted the record to show that when we are approving a treaty on the floor of the Senate, we are talking about consultation and not consent.

Let us consider the possibility of using our troops in an area in connection with a possible incident, as I can visualize one which might take place in Korea, where we have a division station on the line, or in Okinawa; or our wanting to use our naval or air forces very quickly sometime. I have little doubt that Japan would be ready to agree to consultation, but I believe it should be made clear here that the treaty does not forbid the use of these forces. It does require consultation.

Mr. FULBRIGHT. It requires consultation. Suppose a very minor skirmish occurred, and it did not appear to the Japanese that there was any point in their becoming involved, but that we had to use aircraft which happened to be based in Japan. We might move them to bases in Korea and use them there. I do not believe Japan's position is unreasonable.

Mr. BUSH. I do not think so, either. I thank the Senator from Arkansas for his patience with me on this question.

Mr. FULBRIGHT. Not at all; I have been glad to yield.

Mr. CASE of South Dakota. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. FULBRIGHT. I yield.

Mr. CASE of South Dakota. It seems to me that whatever the facts are, they should be on the record very clearly.

On the date of the signing of the treaty, here in Washington, on the 19th of January, notes were exchanged between the Department of State and Secretary Herter and Mr. Kishi; and I find in the Executive E report to the Senate from the committee these notes are given. In both our note to the Japanese Minister and in his reply, this paragraph appears:

> Major changes in the deployment into Japan of U.S. Armed Forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under article V of the said treaty, shall be the subjects of prior consultation with the Government of Japan.

The committee report, at page 3, recites the sentence I have just read, and then states:

> The committee was interested to have a precise understanding of the meaning of the term "prior consultation." In a public hearing on the treaty, the Secretary of State was asked by two members whether Japanese "assent" would be a precondition to certain U.S. military activities. The Secretary's answer was unequivocally affirmative. The committee understands that the Department of Defense's interpretation of "prior consultation" is in harmony with that of the Department of State.

It seems to me that on the record and from the report, it is very clear that the committee undertook to determine what "prior consultation" meant, and that it means assent of the Japanese with respect to certain U.S. military activities.

In the light of that statement in the report that assent is involved, it seems to me that any personal or individual opinions of Members of the Senate would fall before the plain statement of the committee in its report that in open session it asked the Secretary of State for a definition of the term "prior consultation," and that the committee understands that the Department of Defense has the same interpretation as does the Department of State.

Mr. FULBRIGHT. I think that is correct.

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield to me?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. I think that is very clear. This plainly means that the United States would not use Japan as a base of operations from which to launch any attack upon other countries, without consultation with the Japanese; and, according to the interpretation of the Secretary of State, in the event of such circumstances, "prior consultation" would mean consent.

After all, should we expect to establish in other countries around the world, and without their consent, bases from which to launch attacks upon other countries? We would not want them to do that to us.

Mr. CASE of South Dakota. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. CASE of South Dakota. In that connection, let me say that General Norstad felt it necessary to remove certain squadrons from France to England, because there was some objection by France to the storage of certain weapons with those troops in France; and we respected the desires and the sovereignty of France in that connection.

I assume that with respect to consultation, our respect for Japanese sovereignty in certain matters is very similar to our respect for French sovereignty in certain matters.

Mr. AIKEN. In this case it clearly implies consent.

Mr. LAUSCHE. Mr. President, will the Senator from Arkansas yield to me?

Mr. FULBRIGHT. I yield.

Mr. LAUSCHE. I wish to elaborate a little on the questions put by the Senator from Connecticut.

According to my understanding, nowhere in the treaty is there any provision that we could not withdraw our forces, and operate them from bases of our own or from other bases. The language, as read by the Senator from Vermont, and as it was explained by him, simply states that we cannot use that as an operating base, without the consent of Japan, on any involvement that we may be in, in that area.

We can withdraw our forces and rush them to the United States or wherever we are; but we cannot use Japan as bases for military combat operations to be undertaken from Japan, under the conditions covered by article V.

To reduce it to a few words: Nothing in the treaty prevents us from moving out our troops and equipment, and operating them from our own bases or other nations' bases. But if we are involved in that area, we cannot use the Japanese bases without consulting with them. And "consultation," according to Secretary Herter, means that we must have their assent.

Mr. FULBRIGHT. I thank the Senator from Ohio.

Mr. JAVITS. Mr. President, on this point, will the Senator from Arkansas yield briefly to me?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. It seems to me that many people wish to know what the United States gets out of the treaty. All the things which have been referred to recently are negative, insofar as the United States is concerned; they are protective things for Japan.

If the chairman of the committee would interpret in an affirmative way the sentence which appears on page 6 of the report, it seems to me that would answer this big question. The sentence is:

> It is not the treaty, but Japan's free institutions, that their Communist allies are trying to stifle. The treaty will not alter the Japanese Constitution, with its war-renouncing provision. But the treaty should serve to deter any external force from taking hostile, overt action against Japan.

Therefore, will the chairman of the committee agree that the value which the United States gets out of this treaty, which commends itself to the Senate of the United States, is that Japan, this key industrial power—and perhaps the only one—in the Far East must, by this treaty, be kept integral, in terms of her free institutions; and, right there, there is in being a deterrent, to keep anyone from having designs on Japan or from contemplating the extinction of Japan as a nation of free institutions.

Mr. FULBRIGHT. The Senator from New York is quite correct. We have great interest in helping Japan maintain her independence. Japan has only 360,000 in her defense forces at this time, I believe; and I think 160,000 of them are ground troops. They are, so to speak, an internal police force. They are not mobile; and if we had no bases there, I think Japan would be utterly helpless to resist an attack by any of her neighbors.

So it is very much in our interest to retain these bases, to maintain the independence of Japan, because we want Japan to be a member of the free world and to have control of her own affairs. There is no doubt in my mind about that.

I think the point discussed a moment ago was in connection with an attempt to make a comparison between this treaty and the old treaty.

The old treaty, conceived during the occupation, certainly gave us greater rights than those we have under this treaty. It is by comparison with the old treaty that the question is asked, "Are we giving up any rights?" The answer is that we are, for the old treaty gave us greater and more unfettered rights than this treaty does.

But certainly it is time for us to recognize the progress which has been made by Japan since that time—in other words, to recognize her sovereignty—for she is now a full partner of the other free countries.

Mr. JAVITS. Would the Senator from Arkansas say that, considering Japan's industrial strength and key position in the Far East, our policy that Japan be kept free is analogous with our policy that West Germany be kept free, and for the same reason?

Mr. FULBRIGHT. I think so. Both countries have shown remarkable stability in their governments, despite the very regrettable events in recent days, which are very complex. Nevertheless, over this 15-year period, Japan has had great stability. The Japanese are a great and extremely industrious people. It is in the interest of all that they retain their freedom, and not be dominated by any foreign power.

Mr. JAVITS. And that this vote today is a real gesture of friendships, the hand of friendship, by us?

Mr. FULBRIGHT. Yes. I think our country has gone far. I do not criticize that. I think it should have gone as far as it has. There is no question about it. I have tried to make it very clear that this treaty yields many rights we had under the old treaty.

Mr. JAVITS. And treating Japan as an equal.

Mr. FULBRIGHT. Yes.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Yes.

Mr. McCLELLAN. I am trying to determine what benefits we get out of the treaty.

Mr. FULBRIGHT. By comparison with the old treaty?

Mr. McCLELLAN. Any benefit at all. What benefit do we get under it? That is the crux of the question. I want to know where we get any advantage.

Mr. FULBRIGHT. The crux is related to what the Senator from New York has said. Here is one of the few highly industrialized nations in the world. She is seventh in the production of crude steel. She leads the world in shipbuilding. She is endowed an able people numbering 90 million. Our purpose is to preserve this very strong bastion of free people in the Far East.

To put it the other way, if Japan were brought under Communist domination and its strength were added to the strength, let us say, of Red China, the latter would present a far more formidable antagonist to us than presently. The industrial capacity, the scientific ingenuity, and the great skill of the Japanese would be an incalculable addition to the manpower of Red China. It would create a very dangerous force to the free world, and particularly to us.

So our interest is helping to maintain Japan; we cannot do it all, by any means; she is doing a great deal, herself, and she is doing more each year so that she may maintain her independence and stand as a bulwark of strength in this area of the world which is undergoing tremendous changes. I would say it would be dangerous to abandon Japan

to the dangers she faces from her Communist neighbors.

Mr. McCLELLAN. Our advantage from the treaty, or anything we gain, is indirect, in the fact that Japan remains a sovereign nation and retains her strength and power, whatever she may develop.

Mr. FULBRIGHT. That is correct.

Mr. McCLELLAN. Which is an indirect benefit to us.

Mr. FULBRIGHT. I do not know that it is indirect. I do not know how one could distinguish that benefit from that which derives from our close relations with West Germany, for example.

Mr. McCLELLAN. Well, let us see. If Japan is attacked, we are obligated to go to her help. Is that correct?

Mr. FULBRIGHT. Yes; if she is attacked, we are under obligation to go to her help.

Mr. McCLELLAN. If we are attacked, is she under obligation to come to our defense?

Mr. FULBRIGHT. No.

Mr. McCLELLAN. That is the difference. That is what I mean when I say she has a direct advantage, and we have only an indirect advantage, under the treaty.

Mr. FULBRIGHT. As I pointed out earlier, article 9 of Japan's Constitution, which we in our wisdom sponsored during the occupation, forbids her to take any of her military forces beyond her shores.

Mr. McCLELLAN. I am trying to get this picture right.

Mr. FULBRIGHT. The Senator has the picture right. That is exactly it.

Mr. McCLELLAN. The reference to consultation means Japan's consent. I hope no one disagrees with that interpretation. That is my interpretation. Under this treaty we must get her consent. If we are not able to get her consent, we are handicapped, and she does not become an ally.

Mr. FULBRIGHT. I do not think that is correct. We do not have a great many troops there. If the necessity arose, it would be a simple matter to move our troops to Korea or to Europe. It would take some time, but we have troops scattered in many places over the world. Unless they are needed in a particular area where they are stationed, they can be moved. I do not think that is a very serious handicap. As a practical matter, I cannot imagine any trouble taking place in that area which would not involve us.

Mr. McCLELLAN. Just one further observation that may help me in trying to understand the treaty. We are getting the right to maintain bases in Japan, are we not?

Mr. FULBRIGHT. That is right.

Mr. McCLELLAN. Of what advantage are those bases going to be to us if we cannot use them when we need them? In other words, they are of no advantage on earth except as we would defend Japan. That is the only way they could be used.

Mr. FULBRIGHT. I do not dissociate our own security from Japan's.

Mr. McCLELLAN. I do not, either. That is why I called it an indirect benefit.

Mr. FULBRIGHT. Japan's security increases our own.

Mr. McCLELLAN. The direct benefit flows to Japan. The indirect benefit flows to us, in the sense that if Japan is preserved and sustained and kept free from destruction, we benefit. That is what I call an indirect benefit, whereas Japan is given the direct benefit of all-out assistance from us.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Yes.

Mr. SPARKMAN. I should like to submit to the distinguished Senator from Arkansas this thought: There is a direct benefit if one considers the fact that when the original peace treaty was entered into, it was anticipated there would be a modification of the treaty as we went along. Remember, under this treaty we continue to have bases not only in Japan itself, but we have the use of the Ryukyu Islands, and probably one of the strongest bases in all the world is on Okinawa, over which we have virtually complete control.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. SPARKMAN. Yes.

Mr. McCLELLAN. That is what I am trying to find out. The bases are of great advantage so long as we are defending Japan, but the minute we are not, we have to get her consent before we can move.

Mr. SPARKMAN. I do not think that is true with reference to Okinawa.

Mr. McCLELLAN. Perhaps it is not with reference to Okinawa. I am talking about Japan.

Mr. SPARKMAN. Our strongest bastion of defense in the Pacific is Okinawa, and we retain control over it.

Mr. McCLELLAN. That is not controlled by Japan?

Mr. SPARKMAN. No; under residual sovereignty, it belongs to Japan, but we have control over it.

Mr. McCLELLAN. We have that control under the present agreement; do we not?

Mr. SPARKMAN. That is right.

Mr. McCLELLAN. We are not giving it up.

Mr. SPARKMAN. We get a direct benefit, if the Senator considers the fact that it was contemplated in the original treaty there would be modifications as we went along.

Mr. McCLELLAN. What direct benefits are we getting by reason of this treaty? We have pointed out some that we are giving up. What are some of the direct benefits? I am not attempting to say there are none; I am trying to make the record. There are direct benefits flowing to Japan. We have indirect benefits. Insofar as we are able to maintain and preserve Japan as a free country, we get overflow or residual benefits from that fact. But there is no direct obligation upon Japan to defend us. Japan does not have to defend us unless we are attacked in Japan.

Mr. SPARKMAN. Of course, we recognize Japan as being a part of what might be called the chain of defense. It is part of the chain of defense of the free world. I am of the opinion that, if we did not have a treaty, we would probably feel obligated to go to her defense.

Mr. McCLELLAN. I want to be perfectly clear as to what we are doing, so there will be no misunderstanding. I do not think we are getting any benefits from this treaty we do not already have and we are giving up some we do have.

Mr. SPARKMAN. This treaty is of advantage to Japan. As a matter of fact, one of the surprising things about the recent uprisings in Japan is that here is a treaty that is for the benefit of Japan. It carries out our word. We promised Japan in 1951, or early 1952, when the treaty was ratified, that, as time went on, and she made progress that would justify our doing so, we would make modifications in the treaty.

We started that, the Senator will remember, a couple of years ago when we started moving out our forces. We have a very small force in Japan now. We returned the buildings. There has been a gradual demilitarizing and deoccupying of Japan from the time we signed the original peace treaty. We promised Japan at that time we would modify the treaty. This is carrying out the promise. This is keeping our word. I think we are doing it in a way which is quite advantageous to Japan.

Mr. McCLELLAN. Mr. President, I thank my colleague for yielding. I definitely agree with the last statement of my friend from Alabama, that we are doing this quite advantageously for Japan.

Mr. SPARKMAN. At the same time, we should not overlook the fact that it is a good arrangement for us.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. I should like to ask the chairman of the committee [Mr. FULBRIGHT] or the Senator from Alabama [Mr. SPARKMAN] for any evidence which can be shown that we did promise to modify, to rescind, or to withdraw the previous treaty. The best information I have is that there was no promise at the time we entered into the old treaty to make a subsequent treaty.

Mr. FULBRIGHT. In the original treaty I think that is clearly implied. I read to the Senator from the treaty:

> In exercise of these rights, Japan desires, as a provisional arrangement for its defense, that the United States of America should maintain armed forces of its own in and about Japan so as to deter armed attack upon Japan.

I think that phrase alone indicates this is a provisional arrangement, rather than a permanent one. That states the position.

Mr. LONG of Louisiana. Does the treaty say that Japan desires the United States to maintain forces? Will the Senator read the provision again?

Mr. FULBRIGHT. It says:

> In exercise of these rights, Japan desires, as a provisional arrangement for its defense,

that the United States of America should maintain armed forces of its own in and about Japan so as to deter armed attack upon Japan.

That is only one of the preambles.

Mr. LONG of Louisiana. I thank the Senator.

Mr. AIKEN, Mr. LAUSCHE, and Mr. RUSSELL addressed the Chair.

Mr. FULBRIGHT. I yield first to the Senator from Vermont.

Mr. AIKEN. I think the record would be incomplete if no Senator mentioned that Communist China has several million armed men. Communist China has not hesitated to use armed forces against any neighboring countries in southeast Asia. Red China has announced she is determined to annex Formosa, whether Formosa wishes to be annexed or not, by force.

Is there any reason to believe Red China, with 3 million or more men in the armed forces, would let Japan remain free?

If Japan is a virtually defenseless country militarily, although an extremely vital country industrially, is there any reason to believe Red China will permit Japan to remain free if no other country is willing to assist Japan in protecting herself? Japan has almost no military force at all to stand against the 3 million armed Chinese.

Let us suppose we got out of Japan. Suppose we threw the treaty away and said, "We do not want anything to do with it. We do not want anything more to do with it."

Let us suppose that the countries on the periphery of China became Chinese satellites. Then what would be the situation for us? The Philippines could not stand for long. None of those countries could stand, except for the American forces and the Seventh Fleet in that area at the present time. Our frontline of defense would be California, with Hawaii as an outpost for a while.

It is ridiculous to say that this is a one-sided treaty. Of course it is favorable to Japan, and it should be favorable to a country which permits us to maintain bases within its borders. Other countries in the world permit us to maintain bases, and receive certain assistance from us along different lines for so doing.

When we ask, "What does the United States get out of this?" It is easy to say that we get the protection of the Western Hemisphere. That is all—a simple little matter like that.

We would not get out of Japan and leave her defenseless unless Japan insistently asked us to get out. If Japan wanted to be a satellite of Red China, she surely could do so. No doubt we would have difficulty maintaining troops in Japan by force. I do not wish to see the time ever come when we would wish to do so, or think of doing so.

This is not a one-sided treaty by any means.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Ohio.

Mr. LAUSCHE. I wish to pursue the thought expressed by the Senator from Vermont.

For the moment, I ask Senators to visualize Japan, with about 165,000 troops, facing Red China and the Soviet Union on its borders. Japan has a constitutional provision which says that Japan shall have no military force, and our power is far removed. I think we would have grave reason to be apprehensive about what would happen to Japan.

Can we afford to see Japan engulfed by Red China and the Soviets? If that is done, what will be our position regarding the defense of our own country? To what extent will we have brought the Reds closer to our shores? What will be the probability that battles may be fought on our land?

I believe the factor which has been mentioned by the Senator from Vermont is one we cannot dismiss. We cannot afford to leave Japan defenseless.

I think an examination of the treaty will point out to Senators that, in effect, we recognize this fact. Article V says:

> Each party recognizes that an armed attack against either party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

What are the constitutional provisions and processes which will regulate Japan? We saw to it that there was written into the Japanese Constitution a provision substantially as I shall now read.

Mr. BUSH. Mr. President, from where does the Senator propose to read?

Mr. LAUSCHE. I shall read from page 22 of the hearings, from a note which was sent by General MacArthur to Brigadier General Whitney, indicating what the Japanese Constitution should contain. That note, from MacArthur to Whitney, suggested the inclusion in the Constitution of a provision as follows:

> War as a sovereign right of the nation is abolished. Japan renounces it as an instrumentality for settling its disputes and even for preserving its own security. It relies upon the higher ideals which are now stirring the world for its defense and its protection.
>
> No Japanese army, navy, or air force will ever be authorized and no rights of beligerency will ever be conferred upon any Japanese force.

What position would Japan be in, with the Red threat at its doors, with such a limitation upon its powers?

Mr. FULBRIGHT. Mr. President, I wonder if the Senator from Ohio will permit me to finish my remarks, so that I may yield the floor? I have an injured foot, and I shall have to sit down before long.

Mr. LAUSCHE. I beg the Senator's pardon.

Mr. FULBRIGHT. I do not like to interrupt. I appreciate what the Senator is saying. It occurred to me that although I am holding the floor I could yield the floor and the Senator from Ohio could obtain it.

Mr. LAUSCHE. Will the Senator permit me to continue for 2 minutes?

Mr. FULBRIGHT. Yes.

Mr. LAUSCHE. We cannot overlook the value of the peace treaty, even with the limitations which are imposed.

Third, we cannot dismiss as final that the Japanese will not, under consultation, recognize the joint interests which we have for the security of both countries.

Mr. FULBRIGHT. Mr. President, I shall be glad to yield for a question. I shall be glad to relinquish the floor fairly soon.

Mr. RUSSELL. I had an observation I wished to make, but in view of the Senator's statement, I will confine my thoughts to a question.

Mr. FULBRIGHT. I welcome the Senator's observation.

Mr. RUSSELL. I merely wish to observe that even if we made a mistake in putting this provision in the Japanese Constitution or insisting that it go in—and it now appears very clearly that it was a mistake—I am quite sure that Japan, as a free and independent power, can now change that provision of its Constitution whenever she desires to do so. There are no restrictions in the treaty which would prevent her from doing so, are there?

Mr. FULBRIGHT. The Senator is quite correct. One of the sources of internal trouble that now afflicts Japan, of which there was clear evidence at least 2 years ago, revolves around this very problem. The experiences of the Japanese people in the last war were such as to give rise to a considerable sentiment of pacifism. I think the Senate must understand that. I believe the provision about which the Senator from Georgia is speaking is utterly unrealistic in the kind of world in which we live. The people of Japan will not be able to solve this problem as a political matter until they go through some considerable internal trouble. They are doing so right now. I think that issue is one of the things which has disturbed the political situation in Japan, and that out of the turmoil some solution will come. Not that it is our business to make it come, but this internal difficulty existed before the treaty became an issue.

Mr. RUSSELL. I hope I may be permitted, without in any way appearing to dictate or even to give advice to the people of Japan, to express the hope that they will clear up this problem. We know, perhaps better than does any other nation on earth, that the Japanese make magnificent soldiers. The free world could use a number of Japanese soldiers to great advantage in maintaining world peace today. I think this would make a contribution to world peace much more realistic than the provision in their Constitution.

The Senator does not really think, does he, that there is any close comparison between our treaty with Germany and that with Japan, other than the fact that both are great industrial nations—and that it is in our own enlightened self-interest to see that they stay outside the Communist orbit and remain free and independent?

Mr. FULBRIGHT. While I think it is of great importance to our selfish interests, I do not want to limit it to that. It also has great importance to the continued freedom of all free people.

Mr. RUSSELL. That is a part of it.

Mr. FULBRIGHT. All I said in answer to my colleague's question was that, in justification of our interest in the continued independence of Japan, the situation is somewhat comparable to that of Germany. We have an interest in both those peoples remaining independent and free from domination of a foreign power.

Mr. RUSSELL. The Germans, of course, have agreed to an arrangement by which they are rearming; they will make a material contribution in military might to the defense of the free world.

Mr. FULBRIGHT. That is true. The Senator must remember that the Japanese suffered a psychological blow similar to that suffered by the Germans, only greater perhaps because Japan was the only country upon which a nuclear bomb had ever been dropped. I think the horror of nuclear war is probably much greater in Japan than it is in any other country. I have been told, and I believe, that during the immediate past and as of the present no government could remove this difficulty or do anything about it, as a political matter. Whether or not they can we do not know. It is one of the burning issues of internal Japanese policy.

Mr. RUSSELL. Suppose Mr. Khrushchev should rattle his rockets so persuasively that the Japanese Government, under the domination of some of the forces that have been in play there in the last 2 or 3 weeks, were to demand that we withdraw from Japan. Would we then have any recourse? We would be compelled to leave; would we not?

Mr. FULBRIGHT. We would have the same recourse we have under any other international agreement. Any treaty can be denounced. Treaties are denounced from time to time, but it would be a denunciation of a solemn obligation which was assumed according to their constitutional processes when the treaty was ratified.

I agree with the Senator from Georgia that we always face the possibility which he mentioned in any case. A NATO partner could say, "We do not want any more to do with you," and get out. But I do not expect the Japanese to take such action. I hope they will not do so. We have no reason to believe they will except, of course, the nervousness which has arisen from the recent rioting which, I would say, was ultra vires. It certainly was not the act of responsible elements in government. I hope they will be able to maintain order.

I agree with the Senator that there is no certainty in this world. This is the best we can do in making these international arrangements.

Mr. RUSSELL. What amazes me, however, is that the Japanese treaty should apparently have met with such violent and widespread opposition within that country. The treaty may not be completely unilateral, but it is certainly extremely favorable; I think everyone agrees to that. It seems to me that someone must have done a poor job in publicizing the terms of the treaty and in expressing our good faith to have caused such tremendous turmoil as has apparently been generated among an otherwise very peaceful and law-abiding people.

Mr. FULBRIGHT. I am not quite clear as to the implication of the Senator's question. I am not certain whether he is questioning whether our representatives have been as efficient and as intelligent in their jobs as they should have been. All I am endeavoring to do is to talk about the treaty itself and its terms. I must comment that I believe the riots are influenced by many considerations besides the treaty. I think the treaty is only one of several influences and is rather a symbol of internal problems that are far more difficult, at times, than the mere treaty. But many considerations besides the treaty enter into the very complex internal problems. I do not really think the treaty is the inspiration and principal motive for the riots that have been taking place in Japan.

Mr. RUSSELL. Of course, the press may have done a poor job of reporting, but from all I have read the riotings were aimed at the President of the United States and his representatives, including Mr. Hagerty, his press secretary, because they in some way symbolized this treaty. That was the impression I received from reading the press reports on the situation.

Mr. FULBRIGHT. I do not interpret the situation that way. It is a complicated problem. If the Senator wishes to discuss it, I shall be glad to offer one or two thoughts. I believe the riots have a direct relation to what has happened in the past. I believe Communists all over the world have had instructions to do everything they can to embarrass the President of this country. Such instructions have come as a result of the blow-up in Paris. That is one consideration.

Another consideration is that the dominant party in Japan, which is led by Mr. Kishi, is made up of about four factions. Those factions are now, and for some time have been, struggling one against the other. The struggle has nothing to do with the United States, but they are struggling for power within the Government just as we have struggles in some of our own parties, though in a less violent way.

There is a struggle going on in our party as to whether this or that faction will gain control, which candidate will prevail, and so on. There is a struggle going on in Japan as to who will succeed Kishi.

Kishi uses the treaty as one of his accomplishments, which is quite natural, and the opposition is trying to denounce that accomplishment, to demean it, to lower it in importance, as a part of their effort to get rid of Mr. Kishi and take over the power of the Government. That struggle is involved.

Then a strong pacifist feeling grew out of the war, which was given constitutional expression by article 9 of the Japanese Constitution, which the United States caused to be written in.

All of those elements have contributed to the present situation. But is there not a rather strange contrast between that situation and the reception of the President of the United States in such countries as India not very long ago? There is no doubt in my mind that much of the present sentiment is due to the inspiration of the Communists growing, first, out of their frustration and disappointment and, second, from the collapse of the Paris meeting. That is why I and others thought it might have been wise for the President not to undertake his proposed trip because it also fed fuel to the fire. But that is water over the dam.

I do not believe the Senator is entitled to say that the pending treaty and the substance of the treaty is the primary objective of all that has been going on in Japan.

Mr. RUSSELL. I have no intention of challenging the distinguished Senator from Arkansas in the international field. I understood from reading press reports that the objection of the Japanese people to the treaty was probably the primary factor in the riots. The television reviews I saw showed that most of these people carried signs which, according to the interpretation given me, said that this treaty would get them into war, and they were opposed to getting into war.

Mr. FULBRIGHT. I believe that the organized leaders of the riots did use this argument and undoubtedly did tell the people that the treaty would get them into war. Of course, we have the difficulty of communication. We have great misunderstanding in our own country. There is no doubt that a number of these people felt that way. On the other hand, even in these riots, as large as they were, out of 90 million people in Japan they were confined almost altogether to the group in Tokyo, led by the Communists and radical student organizations, such as the Zengakuren, I do not believe it was representative of even a large minority of the people of the country.

What press reports I have seen and what official reports have come to me all indicate that the Liberal Democratic Party, the Kishi party, if an election were held in the near future, would receive a majority of the vote, assuming a change in leadership. The press reports I have seen, written by the most responsible reporters, show that.

I say this with the reservation that in many of these countries, which have not had a democratic system of government for very long, there is always the possibility of an organized, well-directed minority, particularly one that has been schooled in Moscow, taking over by force. That is possible. It is a possibility in Japan. I do not believe it is probable, and none of the other people I have talked to think it is probable.

I do not wish to minimize the seriousness of the situation. The only point I wish to make is that I do not believe the treaty is the principal cause of the turmoil in Japan at the present time.

Actually, as has been pointed out, the treaty is a fair reflection of United States-Japanese relations. If we do not ratify the treaty, the old treaty continues in force indefinitely. That treaty gives

us many rights or, stated another way, subjects Japan to many more onerous burdens and obligations than does the pending treaty. Thus, in comparative terms, Japanese opposition to the pending treaty is ill advised.

Mr. RUSSELL. I do not want to tax the Senator's patience or physical endurance, particularly in view of his injured foot. However, there is one further question I should like to ask. I will sum it up in a few words. I notice that the treaty would be in effect for 10 years, with the privilege of denunciation by either party after that on 1 year's notice.

Mr. FULBRIGHT. Yes.

Mr. RUSSELL. If conditions get somewhat parlous in Japan, is there any honorable way we can extricate ourselves within that 10-year period?

Mr. FULBRIGHT. No; I do not think so. If we enter into the treaty, it will be for 10 years, with the reciprocal and mutual right to give it up. We do not have to keep a certain number of troops in Japan, if we think it is not in our interest to do so. The treaty does not require any minimum number. We do not have a great many personnel there now, as the Senator from Georgia well knows.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. In response to the question raised by the able senior Senator from Georgia [Mr. RUSSELL], at any time during the 10-year period either or both countries could undertake to bring about a renegotiation of the treaty.

Mr. FULBRIGHT. Oh, yes.

Mr. MANSFIELD. At any time.

Mr. FULBRIGHT. Yes.

Mr. MANSFIELD. So I believe we would be protected there. I think we also ought to keep in mind the fact, as the chairman has pointed out, that the treaty vis-a-vis Japanese-American relations, is far more wholesome, is far better than the present 1951 treaty, which, in effect, is an occupation treaty. It is still in operation. Unless it is displaced by the treaty before the Senate, that treaty will remain in operation. That treaty puts the entire burden upon our country so far as the defense of Japan is concerned. The pending treaty equalizes that burden somewhat. This is a very fair treaty. It is certainly favorable to both Japan and the United States.

I point out also that Japan furnishes a good backstop, so to speak, for the two American divisions which we have in Korea, and which we may have to keep there for some time to come. We ought to keep in mind also that as far as peace in the Pacific is concerned, in my opinion, at least, it depends primarily upon the Empire of Japan and the United States of America. Together, our two countries can go a long way toward maintaining peace and stability in that area.

If there is a separation or a break, then I believe we can anticipate that the shift will be in the other direction, toward Communist China and the Soviet Union.

I point out also that if we look at the map of the western Pacific, we will note the Aleutians and the Japanese islands and Okinawa and Taiwan and the Philippines, and that they furnish a further protective ring for this country.

In response to the question raised earlier by the distinguished junior Senator from Georgia [Mr. TALMADGE], I have been looking over the treaty again, and it appears to me that, while article III is far from definite in its wording, nevertheless, it could be read to supply at least in part a satisfactory answer to the question raised by the junior Senator from Georgia. It reads as follows:

> The parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

In contrast to article V, which looks to the situation in Japan or any territories under the sovereignty of Japan, article III is quite far ranging and, while it is hard to interpret, it would be my opinion that it would furnish an answer to the question raised by the junior Senator from Georgia [Mr. TALMADGE].

Mr. FULBRIGHT. I thank the Senator.

Mr. SCOTT rose.

Mr. FULBRIGHT. Does the Senator wish me to yield to him?

Mr. SCOTT. I am seeking recognition in my own right as soon as the Senator has finished his remarks. Is the Senator prepared to yield the floor?

Mr. FULBRIGHT. I have only a small part of my prepared statement remaining. I shall conclude in a very few minutes.

Mr. President, there are few significant changes in the new administrative agreement. The criminal jurisdiction provisions are unaltered and are in harmony with the NATO Status of Forces Agreement, which was ratified by the Senate in 1953. Indeed, such changes as have been made are designed to bring the new agreement nearer to the spirit of the NATO agreement.

An exchange of notes between the treaty parties more clearly defines the scope of American military activity in the treaty area, and deepens the bilateral spirit of the agreement. The note says:

> Major changes in the deployment into Japan of U.S. Armed Forces, major changes in their equipment; and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under article V of the said treaty, shall be the subjects of prior consultation with the Government of Japan.

Mr. President, the committee has been assured by representatives of the Departments of State and Defense that the term "prior consultation" means that Japanese assent is a necessary precondition to the military activities covered in the exchange of notes.

I shall not dwell on the other provisions of this treaty; they are summarized in the committee report. However, in my opinion they are all entirely consistent with the tone of the preamble, which reaffirms the paramount interest of both parties in improving the prospects for peace by helping one another; and by pledging their faith in the purpose and principles of the United Nations, which includes the inherent right of individual and collective self-defense.

Mr. President, before concluding I should like to say a final word about the opposition to the treaty in Japan, much of which, as I have indicated, is represented by people who bear no animosity to the United States and are motivated by the highest concerns. However, between these people and the truculent Communist-oriented elements, with whom they share this common cause, are certain cynical groupings who would use the treaty issue to gain a political advantage. The present Japanese Government was voted into office by a majority of the electorate. The elections held since have added to the strength of the conservative bloc, which this government represents. Nevertheless, by their obstructionist tactics a noisy minority in the Diet for a period of time prevented any parliamentary action on the treaty. Finally, Prime Minister Kishi took the dramatic step of getting the necessary lower house ratification, while the opposition was boycotting the Diet chamber.

I shall not speculate on the advisability of this action, or its possible consequences. However, it should be noted that the issue raised by the performance of the Communist manipulated obstructionists is not the advisability of the treaty, but the future status of parliamentary government in Japan. Because if a noisy minority can stifle major government policies and even scuttle visits from friendly chiefs of state the principle of responsible, majority rule is placed in serious doubt.

Mr. President, in commending this treaty to the Senate, as I so unreservedly do, my deepest hope is that Japan's democratic institutions will suffer no permanent damage from the strains to which they are now being subjected.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, not only for the speech he has made in behalf of this necessary and worthwhile treaty, but also for the patience and understanding he has shown in undergoing a grueling set of questions.

I believe the Senator is correct when he indicates in his speech that so far as Japan and the United States are concerned, we really need one another, and we can mutually accomplish much that is worth while.

Japan, as a country, occupies a peculiar position. It is 10,000 square miles smaller than my State of Montana. Montana has a population of 650,000. Japan's population is in excess of 90 million, and her annual increase in population is between 1 million and 2 million.

Not more than 16 percent of the land of Japan is arable. The Japanese are limited in their resources. So Japan must trade in order to live; and Japan must trade with the free world. If she does not, then she will be forced into the

arms of the Soviet Union and Communist China.

Thus there is much more besides a treaty which is involved in this arrangement. The future welfare of Japan and the future maintenance of peace in the Pacific, perhaps our own security, a better understanding between the two peoples, and a greater degree of tolerance and understanding, likewise are involved.

Again I commend the Senator from Arkansas. I hope the treaty will be overwhelmingly approved.

Mr. FULBRIGHT. I appreciate very much indeed the words of the assistant majority leader, the Senator from Montana. He has been of great assistance in the deliberations of the committee on this treaty. He has always come to the committee meetings with a wide personal knowledge of affairs in the Far East. He is an invaluable member of the committee.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. First, I thank the distinguished Senator from Arkansas for his able and effective presentation. I think he has cleared up all the questions which have occurred to me.

I should simply like to ask the Senator if the background of the new treaty is not really this: In 1951, the United States entered into an agreement with Japan, when she was just reemerging from the position of being completely occupied; that the terms of that treaty necessarily gave Japan fewer rights, and gave to us more privileges and rights.

Is it not true that as Japan has sustained her independence, has regained her economic strength, and has regained, in great measure, her stature as one of the outstanding nations of the world, much less of the Orient, a time came when the old treaty would never be acceptable to a proud, independent, and successful people, and when the terms of the new treaty must recognize this growth, this strength, this complete emergence of a free and independent Japan? Is that not the real background of the treaty?

Mr. FULBRIGHT. I think the Senator has stated the case very well indeed. He has described exactly, I believe, the principal reasons why it was believed necessary to negotiate the new treaty, which has been in progress for 2 years. It was in recognition of those very factors, I believe, that it was felt necessary to have a new treaty.

Mr. HOLLAND. It would be unthinkable for us to assume for a moment that Japan as of this time, with her renewed strength, her independence, and economic stability, and her great stature among the nations of the world, would be satisfied to continue her relationship with us upon the basis of the 1951 treaty.

Mr. FULBRIGHT. The Senator is absolutely correct.

Mr. STENNIS. Mr. President, will the Senator yield.

Mr. FULBRIGHT. I yield.

Mr. STENNIS. I, too, am among those who appreciate the fine presentation made by the Senator from Arkansas. I think he is in a peculiar position, and a very advantageous one, to give us more of an analysis of the recent happenings and events in Japan. The Senator touched on that point very lightly. However, I think what he said will shed light on the spirit in which the treaty is adopted. I myself shall vote for the treaty.

However, I believe that things are not so rosy or so peaceful and quiet. I do not believe that everything is as fine as it might have appeared to be during the debate today. If it is, then Prime Minister Kishi was doubtless in error when he said a few days ago that he could not be responsible for the safety of the President of the United States.

Mr. FULBRIGHT. I hope the Senator from Mississippi did not interpret anything I said so as to leave the impression that things are stable and peaceful. They are not, at all. The only point I was really trying to make was that I do not believe the fact that the treaty has been negotiated is the prime cause of the disturbances; that is, the real reason for the trouble. I wish that were all. I think there are some of the other causes that go deeper than the treaty.

Mr. STENNIS. The Senator is very helpful on that point. If it was not the treaty which was causing the trouble, what was the basis of the disturbance, in the Senator's opinion?

Mr. FULBRIGHT. That is a long story.

I happened to be in Japan on my way home from a meeting of the International Bank which took place in New Delhi more than 2 years ago, in 1958. A struggle was then in progress between the Kishi government and the Diet over a bill which Premier Kishi had introduced to strengthen the power of the internal police. He also tried to curb or restrict the power of the unions.

Japan, as a result of the war, suffered serious emotional and psychological effects. These came not only from the military defeat, but from the use of the atomic bomb, as well. That was something to which the people of no other country had been subjected. The defeat of Japan was complete. Her disillusionment was complete.

Then there was the period of the occupation. The Japanese had not been accustomed to real democracy.

I dislike to talk too long about this matter.

Mr. STENNIS. I think the Senator is being very helpful.

Mr. FULBRIGHT. These struggles have been taking place since 1958, with Kishi trying to establish greater authority in the central government so as to control just such elements among the people as created this regrettable situation.

The Diet has been reluctant and tentative in this field and has now and then employed obstructive tactics.

I do not want to overemphasize that point. The French used similar tactics before de Gaulle came to power. There was a period when the French Parliament was almost as disruptive. I do not wish to offend the French with an inexact comparison. However, it will be recalled that the French could not maintain a durable government for some years.

Japan has had an internal problem. She has lacked a strong internal police. The policemen are not armed, and they have hesitated to act because of the fear of a revival of a militaristic government. The Japanese believe, and rightly, I think, that the militarists who led them into the last war, under the war cabinet, did a great disservice to their country.

It will be remembered that in 1936, I think, a group of young officers assassinated some of the principal leaders of the civilian government and assumed power. The Senator will recall that incident. It was a brutal and savage act.

The current situation must be viewed against this background.

Pacifism and resistance to anything which looked like a strong police or military have arisen out of Japan's recent history.

Japan has had a remarkably good government, I think, in recent years. There is a very fine, permanent civil service which deserves much of the credit for the very fine operation of the Japanese Government.

I think Mr. Kishi and those who have served with him during his service as Prime Minister have run "a very good show," and deserve much credit, and up to this time have kept peace in Japan.

The party itself is split by four different factions. The different factions are not really contending over the treaty. Actually, they are contending within their own party for power.

I hesitate to draw an analogy, but I observe that the situation there is somewhat similar to the situation in this country, where, within the Democratic Party, there are different groups, each of which would like to have its own candidate become the next President. Similarly, in Japan there are factions which wish to have their candidate become the Prime Minister. Since the war, the Prime Minister of Japan has changed approximately every 3 years.

I do not wish to stress particularly the various names. Mr. Ikeda is one. His views are thought to be approximately the same as those of Mr. Kishi and Mr. Yoshida, the former Prime Minister. There is also Mr. Ohno; and there are two or three others. The situation is much like that in our own country, in that, if one man holds a high position, his opponents attempt to attack him and weaken his position by attempting to lower his prestige.

Therefore, in this case opponents who can discredit the treaty may discredit Mr. Kishi. The situation, as I have said, is a complex one.

There are those internal conditions. In addition, there was the blowup of the Paris meeting and the attempt by Mr. Khrushchev to embarrass the President whenever he could; and those developments have come at the same time.

An internal struggle is now going on in Japan; and some of the groups or elements have opposed the treaty on pacifist or antimilitarist grounds. Communists moved into the situation, for there are Communists in Japan. The

Socialist Party there, which is leftist inclined, also has opposed it, and unfortunately allowed itself to be used by the Communists.

So the picture is a complex one; and the combined effects of these elements militated against the President's visit to Japan.

Mr. STENNIS. Mr. President, let me say that I am certain that the statement the Senator from Arkansas has made on this point has added to the record, and has clarified the thinking of some, and is of definite value, particularly because of the position he holds.

Mr. President, I desire to state that I shall support the treaty. I look upon Japan as a strong and very necessary and very valuable ally of ours in the Pacific.

But when I read about the great crowd and mob in Tokyo which held the personal representative of the President of the United States a virtual prisoner for 70 minutes, and then when I observed that there were no reports of strong public reaction or resentment on the part of the people of Japan, I felt that there must be some underground or beneath-the-surface movement or some other underlying reasons for that situation, and that it might grow. And it did grow.

I resent the treatment of the President's representative and of our Nation, by means of what happened in Tokyo; and I think everyone in the United States should resent it, and we should not be timid in saying so.

I cannot conceive that a government would remain in power if it were so weak as not to be able to try to do more about such a situation than the Japanese Government actually did.

However, I take it that that situation did not represent the real spirit and intent of the Japanese people, who form a fine nation, and certainly are worthy of this treaty, which also is to our advantage.

Mr. FULBRIGHT. Yes.

It is very difficult to be accurate in our description of that situation. I do not desire to paint too cheerful a picture. I think it is serious when a government cannot control its people any better than that government did, in the capital city.

But I have tried to point out some of the elements which have contributed to this serious situation. We know that in other countries there have been riots, including some very unpleasant ones in certain Latin-American countries. There have been local agitators, and probably in many cases there were local grievances. In such situations, the occasion of an important foreign dignatory can provoke trouble.

I take the position—and I think the Senator did—that this is not a very good time for a Presidential visit. Probably he stated that, and I agree with him.

But I believe the treaty should be judged on its own merits.

If for any reason the riots are not controlled, and if Japan cannot recover from the chaos which temporarily existed in Tokyo, that will be a tragedy. But a great many factors more important than the treaty would have produced the tragedy.

Mr. STENNIS. Does the Senator from Arkansas agree that if we ratify the treaty, our action certainly will not constitute approval of what has happened in Japan in recent days?

Mr. FULBRIGHT. Certainly it will not.

Mr. STENNIS. Does the Senator from Arkansas agree that, on the contrary, our action in ratifying the treaty, if we do, will be an expression of our faith in what will happen in Japan from now on?

Mr. FULBRIGHT. That is correct.

Mr. STENNIS. In regard to one matter on which the Senator touched, let me say that I have assembled some figures; and from them it is obvious that the really strong tie between the two countries is the economic tie, based on the very fine, excellent economic relationships between Japan and the United States.

Mr. FULBRIGHT. That is correct.

Mr. STENNIS. In 1959, our imports from Japan amounted to more than $1 billion worth, and in that year our exports to Japan amounted to more than $931 million worth. That shows a two-way exchange which makes the ties between the two countries binding and strong.

Mr. FULBRIGHT. I am sure the Senator from Mississippi will not be influenced adversely when I say that included in those exports there was a great deal of cotton. I am quite glad of that. The Japanese are our best cotton customer, I believe. They are very discriminating people; they want the best cotton.

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield—although I am ready to yield the floor.

Mr. AIKEN. I wish to proceed for only a minute.

The Senator from Mississippi referred to the imprisonment—although it was harmless—of Mr. Hagerty, in Japan. All of us regret that the demonstrations in Japan got out of hand, and that the police force was unable to control them.

Nevertheless, we might point out the difference between the methods of controlling demonstrations or not controlling them in a democratic country and in a country where a Communist government is in control.

All of us are familiar with the recent student demonstrations in Hungary. What happened? The Hungarian Communist Government called for troops and tanks to come there, and they killed approximately 10,000 of those students, sent thousands more to exile in Siberia, and drove 100,000 students out of the country, because they feared that they would lose their lives if they remained there.

So I think the world has a fairly good example of the difference, and that the people of the world will make up their minds as to which they prefer.

It is unfortunate that one girl, I believe, was killed in Japan. She was crushed in some way, and no one seems to know precisely what happened. But when we contrast that situation with the slaughter of tens of thousands of young Hungarian youth by the Russians, who had their armed forces in Hungary, I believe that in the long run we shall have to agree that even though the Japanese demonstrations got out of hand, what happened there was vastly preferable to what happened in Hungary.

Mr. FULBRIGHT. I am very glad the Senator from Vermont has made that point.

Mr. AIKEN. And that what happened in Japan is vastly preferable to what would happen in Japan or in any other country once the Communists got control of it.

Mr. FULBRIGHT. Yes, the Senator from Vermont is quite correct. Despite all the difficulty and commotion, the Japanese police did not use firearms; and only once—at the last, I believe—did the Japanese police even use tear gas. Those police do not carry firearms; and that fact adds to the problem, because I believe more police than students were injured, because of the desire of the police not to use force.

Mr. PASTORE. Mr. President, will the Senator from Arkansas yield for a question?

Mr. MORSE. Mr. President, I propose to discuss the treaty——

Mr. FULBRIGHT. Mr. President, I am ready to yield the floor, but I yield for a question.

Mr. PASTORE. I am wondering if this internal strife of which the Senator has spoken so eloquently is not, somehow, a symbol of mass resentment on the part of the working people of Japan because their wages are being kept down deliberately and because the profits are not filtering down to them, that the standard of living of the Japanese wage earner is not being improved in spite of the winning of world markets by Japan?

The reason I ask the question is that there is a continuous and consistent complaint on the part of American manufacturers. For instance, it has been said that Japan is the largest purchaser of American cotton, and at the same time the greatest exporter of textile goods in the world. I realize that in the nature of progress Japan must industrialize in order to meet world competition. I am wondering if, in this design, which I do not criticize, but which I understand, there is some reason for resentment on the part of the workers. They may feel that they are not getting their share of the benefits of industrialization and the winning of world markets.

Mr. FULBRIGHT. The Senator opens up a very broad area. Although I do not have them with me, I have seen the figures. What the Senator has said is true in any industrial country, and that resentment probably is behind some of the conflict between the factions and parties I have mentioned, one party being, let us say, prolabor, and the other being promanagement, representing the same kind of differences we have in this country. I did not anticipate this argument, but I may mention that the real wages in Japan have been substantially increased. However, they are never as much as people would like to have. The per capita income in Japan is $253, which is about three times the average of the other Asian nations in this area. It is still too low, but Japan is far better off than any other country in the area.

That fact probably explains some of the internal political infighting going on. However, I do not think it has anything to do with the treaty.

Mr. PASTORE. I realize that. The treaty may have been the excuse for the explosion.

Mr. FULBRIGHT. Yes. It may have been a symbol.

Mr. PASTORE. But I think the causes were already there.

Mr. FULBRIGHT. I agree. That condition is typical in a country making progress. When it is really poor and really poverty stricken, the masses are so inert that they do not riot. Often the people riot when a country is on the "make," when it has made some progress, when the people have tasted a bit of the better life and is eager to gain more of it.

Mr. PASTORE. The Senator knows that, while tremendous progress has been made in stabilizing the economy of countries in Europe and Asia through the foreign aid supplied by this country, much of the complaint we heard was that the rich were getting richer and the poor were getting poorer.

Mr. FULBRIGHT. That is true.

Mr. PASTORE. In many instances, strangely enough, the resentment felt by the people of those countries was directed toward the country furnishing the aid. I wondered how much of that was true in Japan.

Mr. FULBRIGHT. I think that is what we witnessed in France in earlier years. It was one reason why there was such a large following in the Community Party, which has receded. When France was on the "make," and was making the most progress under the Marshall plan, we heard the same complaint that all those benefits were accruing to management, and not to labor. During such a period there must be an accumulation of capital for the purchase of equipment, and labor resents the absence of immediate benefits. I am sure that feeling is involved in the recent events in Japan, but how much I do not know.

Mr. PASTORE. I thank the Senator for his fine presentation. I shall vote for ratification of the treaty.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COOPER. I should join all of those who have commended the Senator from Arkansas, chairman of the Committee on Foreign Relations, for his presentation of the treaty. I have read the report, and I congratulate the committee. I think it one of the best reports I have read.

If the chairman of the committee will permit, I should like to address him concerning an aspect of the subject which I do not believe has been discussed in the debate. We have been discussing the treaty, under the assumption that having been ratified by Japan, and ratified by the Senate, as it will be, the greater part of the questions it has raised will be concluded. I earnestly hope this will be true, but I think it necessary to point out that it may well be an issue in Japan for some time. The success of the treaty will depend at last upon its understanding and its acceptance by the people of Japan as well as their Government.

I do not speak of its acceptance by the people of the United States, because I believe its importance to our country and to free peoples will grow.

We can agree with the comments of the distinguished Senator from Arkansas [Mr. FULBRIGHT] and the distinguished Senator from Vermont [Mr. AIKEN] that while the riots in Japan and the treatment of the President of the United States have been unhappy events, the Government of Japan did not use force against its own people, as Russia used in Hungary and as Communist China and other Communist countries would undoubtedly use to suppress any dissenting viewpoints. But it has raised the very serious question for Japan whether a minority, inspired by Soviet Russia and Communist China or any other minority can obstruct by force the parliamentary processes of a government. It raises serious questions about the depth of democratic support in Japan.

Again, as the Senator from Arkansas has suggested, there may be a strong movement in Japan toward neutrality, based in part upon emotional remembrance of the atomic bombing. From my own experience, I have no doubt that it is based in part upon the feeling one finds throughout Asia. There is a desire to avoid any situation they think draws Japan into the conflict between the United States and Russia. I am sure some of this thinking exists.

Does the Senator from Arkansas not believe that, even though this treaty is ratified, and it should be, the Japanese people will have to decide, at a general election, which we cannot know is coming, and in which the treaty will be an issue, whether they understand the treaty importance to their security and freedom, and will support it?

Mr. FULBRIGHT. I agree with the Senator, but I think it may be an oversimplification to assume that the treaty will be the main issue in an election. I think Mr. Kishi, perhaps individually—perhaps some others in his party are also concerned—has some prestige involved with respect to the treaty. As we know, in this country very often in an election certain issues become identified with a certain candidate. After the candidate is elected sometimes the issues have a way of changing, and go off in another direction. I think we can only await events and await developments.

Mr. COOPER. That is very true.

Mr. FULBRIGHT. I think as of the moment, considering what we know, with the obvious merits of the treaty, there is nothing for us to do other than to approve the resolution of ratification of the treaty. Then we should hope for the best. We should hope the Japanese can straighten out their political affairs.

I, for one, certainly do not wish to have my support of the treaty to be interpreted as any endorsement of any particular officeholder in Japan. I do not think it should be. We do not have any desire to influence the electorate in Japan simply because we support a treaty. That has nothing whatever to do with the matter. We shall judge the treaty upon its own merits. The Japanese, of course, will choose their own representatives upon their merits. In the election I think the treaty should be purely an incidental affair. I hope it will be.

Mr. COOPER. I appreciate the Senator's statement.

I do not wish to oversimplify the matter nor suggest that we should intervene in Japan's internal affairs. I raised the point because I believe it bears upon the effectiveness of the treaty. If we expect the Japanese to fully support the treaty, to resist the propaganda and subversion of the Communists with true and enduring support, there must be reciprocal advantages for the Japanese and we must recognize fully their sovereignty and equality. On their part, they must know the great obligations we undertake. The treaty is a deterrent to war, a protection for their security and their free system of government, as well as the protection for all the rest of us. The Japanese undertake a great obligation in accepting our bases and our troops, but it could mean their continued existence as a free nation.

Mr. FULBRIGHT. I agree with the Senator that it is necessary for the Japanese to understand the treaty to appreciate it. I have no doubt that the Communists and some of the pacifists have misrepresented what the treaty will do. The job of providing an understanding of the treaty is a job for the Japanese Government and the Japanese press to fulfill.

Mr. COOPER. I close by saying I earnestly hope and believe—I do not know, but I am very hopeful—that the treaty will be supported henceforth by the Japanese Government and by the Japanese people as it will be fully supported by our people. It is probably true that the overwhelmingly majority of the Japanese people will support the treaty.

I think it is incumbent upon the Congress and the administration to consider the alternatives which we may face in the future, if this treaty does not last, and we ought to be prepared for them. It could make it necessary to build new defenses in the Pacific, and further strengthen our forces at home.

I ask unanimous consent to have printed in the body of the RECORD, following my statement, a very incisive and I believe correct analysis of the situation in Japan, an editorial appearing in the Louisville Courier-Journal, June 19, 1960.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

PERHAPS A JAPANESE ELECTION SHOULD PRECEDE THE TREATY NOW

In the further collapse of personal diplomacy, Far Eastern division, it is easy to reach simplified answers and to react emotionally toward the "ungrateful" Japanese. Such reactions are foolish and dangerous.

It is true that Japanese Premier Kishi and, after him, our Ambassador, Douglas MacArthur II, seriously miscalculated the extent to which an apparent minority could sway students and leftwing groups toward violent anti-American demonstrations. But there are many more facets to these demonstrations than mere anti-Americanism or even anti-Kishi feeling. There was the emo-

tionalism of Japanese youth, brought up with a fear of war that has its roots in defeat and in a pacifism that was considered good for the Japanese until our need for bases and a strong Far Eastern ally supervened.

But this need for bases, embodied in the new Japanese treaty and also in the old one that it supersedes, has never been sold to the student groups, even though most of their elders reluctantly acknowledge its existence. And the student groups have proved fertile ground for agitators, not all of them party line Communists.

The reaction of Americans toward the troubles of Premier Kishi must be primarily one of sympathy. But we can do little to help in light of the double loss of face he has suffered. The fall of his government seems almost inevitable. There is some comfort, however, in the knowledge that left-wing groups have never been able to summon enough votes to dominate a government by themselves. The shock and embarrassment suffered by millions of reasonable Japanese who stayed aloof from demonstrations and expressions of opinion may well react to the Kishi government's advantage.

One must wonder, however, whether the Premier is wise in struggling still to force the disputed treaty on the country without taking his case to the country. In this case, our own prompt and good-humored ratification might help him to persuade the moderate Japanese that the new treaty is actually fairer to Japan than the old one was.

A vote of confidence in the treaty would give it a far firmer basis than its enforced passage in the face of hostile demonstrations. But if the contrary happens and the reservations of the objectors are shared by large numbers of Japanese voters, we and Japan's Government might as well know the truth and plan a reappraisal of the mistaken diplomacy which led us so far on so unpredictable a road.

Mr. FULBRIGHT. I thank the Senator.

Mr. MORSE. Mr. President, as a member of the Committee on Foreign Relations, I propose to discuss the treaty and some of its implications for the next few minutes.

At the outset, I say I shall vote to agree to the resolution of ratification of the treaty, because I think, after the treaty is considered from its four corners and after its weaknesses, so far as some of its implications are concerned, are carefully weighed, we find ourselves in a position where the preponderance of the evidence is in support of the resolution of ratification of the treaty.

The chairman of the Committee on Foreign Relations, I think, deserves the thanks of the entire Senate for the very judicial, impartial, and scholarly work he did as chairman of the committee during our hearings and our executive deliberations with respect to the treaty. Once again in the field of foreign policy the Senator from Arkansas [Mr. FULBRIGHT] has demonstrated his statesmanship.

It is a great pleasure for me to serve under his leadership in the Committee on Foreign Relations of the Senate. He happens to be the type of chairman who respects sincere and honest differences of opinion with him on some matters of detail, as we are confronted with those details in connection with such a problem as this treaty.

The Senator from Arkansas is a great team worker with his associates on the Committee on Foreign Relations. He is always tolerant of the points of view of other Senators. He is always willing to listen to arguments and to evidence, and to modify his opinion according to the evidence when a modification seems to be justified. That was particularly well demonstrated by the Senator from Arkansas [Mr. FULBRIGHT] during our deliberations with respect to the treaty.

I caution the Senate to keep in mind today, as we consider the resolution of ratification of the treaty, that we should consider the matter with a good many mental reservations. It is unfortunate that we are not considering some actual reservations written into the treaty itself.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me before he begins a discussion of the treaty itself?

Mr. MORSE. I am happy to yield.

Mr. FULBRIGHT. I could not let this opportunity go by, Mr. President, without expressing my appreciation for the kind words the Senator has spoken with regard to the chairman of the committee. I appreciate them very much. I certainly reciprocate the statements the Senator has made with respect to cooperation. The Senator from Oregon has certainly been of great help to me and to the other members of the committee in the committee deliberations on this treaty and on other matters of recent date. I appreciate it very much.

Mr. MORSE. Mr. President, the Senator from Arkansas has only further proved, by the utterance he has made, my words with respect to the complete fairness and the ever-present courtesy of the Senator from Arkansas in our work together on the Committee on Foreign Relations.

Mr. President, as I was saying, as we consider the resolution of ratification of the treaty we should certainly do so with a good many mental reservations. I felt perhaps it would have been better if we had proposed some reservations in the treaty itself. For a time I considered, Mr. President, the possibility of offering some reservations to the treaty. However, after conferring with my colleagues on the committee, after discussing the matter with some officials of the State Department, and after studying the text of the material we had before us, much of which is on the desks of Senators this afternoon, in the form of the exchange of notes which led to the final submission of the treaty, I felt it would not be the best procedure to offer reservations to the treaty.

I think it is perfectly clear that the prospects for getting further consideration of reservations on the part of the Japanese Government are practically nil. I felt also that the offering of reservations in the Senate might be subject to interpretations elsewhere in the world which would not be in the best interests of my country.

Mr. President, when we consider the mater of foreign policy, no matter what differences we may have on the legislative front in the Senate in respect to American foreign policy, in the carrying out of our duties as Senators in the legislative field the problem takes on a different complexion when we are confronted with international affairs and questions which are raised in regard to treaties. Mr. President, I think it is important that we should close ranks. We should ask ourselves the question, "Can we, in all honesty and sincerity, say to ourselves that under the advise-and-consent clause of the Constitution it should be our individual advice as Senators that the treaty, in view of all the circumstances, should be ratified?"

In keeping with that obligation, Mr. President, I have reached my decision. I voted in support of the treaty in the committee, and I shall vote for the resolution of ratification of the treaty in the Senate this afternoon. However, I wish to discuss the treaty a bit, for the purpose of the historic record and for future reference.

I do wish to talk about what I consider to be some of the implications of this treaty which cause us to have some mental reservations in regard to it. The Senator from Arkansas [Mr. FULBRIGHT] I think is quite right when he points out that there are two types of opposition to this treaty in Japan. There is the Communist opposition, which was manifested by the stirring up of the type of riots and mob demonstrations that characterized the protesting groups that participated in demonstrations in recent days in Japan. These groups did great damage to the history of Japan. They also did great injury, it seems to me, to the reputation of Japan as a nation that seeks to be fair and courteous and one that endeavors to conduct a foreign policy based upon good international manners.

I think we would make a great mistake if we completely ignored another group in Japan that also has a great many reservations about this treaty, and to some extent expresses hostility toward the treaty.

In this morning's issue of the Washington Post another one of those great writings by the great Walter Lippmann was published, and because during the course of my remarks I shall have some comments to make on some of the premises contained in the Lippmann article, I ask unanimous consent that the entire article, entitled "Trouble in Japan," be printed at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROUBLE IN JAPAN

(By Walter Lippmann)

The cancellation of the President's visit to Japan, and his embarrassing experience in Okinawa, stems from the refusal in Washington to look squarely at the U–2 affair and its significance.

The capture of the U–2 and the way the incident was handled in Washington compromised gravely the whole circle of American bases from Norway through Turkey and Pakistan to Okinawa and Japan. When we confessed, and indeed boasted, that for 4 years we had been using these bases for a secret and illegal operation against the Soviet Union, our allies were morally and legally defenseless against the threats of the Soviet Union. A small and exposed nation is bound to take such threats seriously, and although the threats may have been blunted they were not removed by the President's renunciation of aerial espionage. Thus the effect of the U–2 was to undermine our whole system of encircling bases. For it focused

attention upon the fact that the bases had been secretly used for an operation which exposed the country containing the base to grave risk.

In the very days when the U–2 had become the occasion for Mr. Khrushchev's actions in Paris, the Kishi government was trying to have the new Japanese-American Treaty ratified by Parliament. This treaty grants to us the base right in Japan for at least 11 years. A less auspicious movement for railroading the treaty through the Parliament can be hardly imagined than was the moment in which the summit conference collapsed. But Mr. Kishi, who was fighting not only for the treaty but for his own political life, did railroad the treaty through the Parliament in the face of a very large volume of public disapproval, by no means confined to the Communists.

The President was then called upon to decide whether instead of traveling to Tokyo from Moscow, as originally planned, he would go to Tokyo anyway and would arrive there on the day when Mr. Kishi's coup for the treaty was consummated. The President decided to go to Tokyo, to go despite the fact that the U–2 and the collapse at the summit had aroused great popular fears about the American base. The President chose to go despite the fact that after his quarrel with Mr. Khrushchev, his visit to Japan had ceased to be conciliatory and had become defiant. He chose to go despite the fact that the timing of the visit enabled Mr. Kishi to exploit for his own political purposes the President of the United States.

This was a wrong decision. After the collapse of the summit the right decision would have been to cancel all visits, and to remain in Washington on the grounds that the world situation required the full attention of the President for the purpose of strengthening the national position. This would have been an answer to Mr. Khrushchev's vituperations. It would have done much to restore the shaken confidence of our allies. And it would have spared the President the humiliation in the Far East which has been inflicted upon him and his office.

It can be said that the wrong decision was taken without any strong protest and criticism in Congress or in the press. That is true. The opposition had been virtually silent when the Republicans and Senator JOHNSON cried out that it was unpatriotic to inquire seriously into the causes of the U–2 disaster.

So the President and his advisers had a free hand to take the decision about the Far East. Unfortunately for them and for the country, they showed the same kind of bad judgment which had caused them to fumble the U–2 affair. In both cases they ignored the well-known conventions and the old wisdom of the art of diplomacy. In both cases they judged the immediate situation not objectively but wishfully.

Thus, in the affair of the U–2 they abandoned the ancient convention which is that a government never avows responsibility for espionage, much less attempts to justify it. In the affair of the Tokyo visit they ignored the conventions which protect a state visit. One of these conventions is that a visit by the head of a state is a visit to the whole nation and not to a political head of the Government which happens to be in office. A state visit, therefore, should never be made to a country which is divided within itself on an issue in which the visiting head of state has a special interest. The very reasons which have been advanced on behalf of the visit are compelling arguments against it—that the treaty would fail if the President decided not to come to Tokyo and that Kishi would fall. This was a misuse of the institution of the state visit, and if the President and his advisors had known or had remembered the old rules of the diplomatic game, we would all be much better off today.

Furthermore, in their judgment of the immediate situation in the Far East and especially in Japan, they grossly under-estimated the impact on Asian popular opinion of the U–2 and the renewed quarrel with Moscow. There is no use deluding ourselves as Mr. Hagerty does, that the opposition to the treaty and to the President's visit was confined to a small minority of Communists incited and paid for by Peiping and Moscow. The preponderant opinion of any Asian country within the military reach of Russia and China is bound to be neutralist. When we urge them to be antineutralist, they respond by being anti-American, and it is a great error to act as if an antineutralist policy can rally popular support. In Tokyo mighty little has been heard recently from the alleged majority who are supposed to be for the treaty.

The treaty has nevertheless been ratified. But we must realize that we are not at the end of the story. It is a question whether the treaty can now be made to work against a mounting agitation. In fact, we have to ask ourselves whether a much greater disaster to our position in the Far East can be averted unless there is, as powerful Japanese newspapers are already demanding, a renegotiation of the treaty, and with it a reformulation of our Far Eastern policy.

Mr. MORSE. Mr. President, at a point of the article by Walter Lippmann we read the following:

> The treaty has nevertheless been ratified. But we must realize that we are not at the end of the story. It is a question whether the treaty can now be made to work against a mounting agitation. In fact, we have to ask ourselves whether a much greater disaster to our position in the Far East can be averted unless there is, as powerful Japanese newspapers are already demanding, a renegotiation of the treaty, and with it a reformulation of our Far Eastern policy.

Mr. President, I am greatly concerned about the fact that there is growing opposition in Japan in the non-Communist groups and among very substantial economic groups. I say most respectfully that we shall only have our heads in the sand if we blithely go forward in the ratification of this treaty on the basis of the assumption that all is well in United States-Japanese relations in Japan except our relations with Japanese Communists. I do not think anything could be further from the realities in Japan.

There are substantial leaders in the economy of Japan who are greatly concerned about this treaty and think that this treaty is a very unwise step to take on the part of Japan.

The Senator from Arkansas [Mr. FULBRIGHT] very rightly pointed out that within the Liberal Democratic Party in Japan, the Kishi party, there is a great power political play. Let us always keep in mind that power political play in the Democratic Party in Japan and that Kishi is the head of the ultra-conservative wing of the Liberal Democratic Party in Japan.

I always find it a matter of interest that so frequently we find the United States lined up on the side of the ultra-conservatives in the countries around the world in which we have so many international policy problems. Here again we have the so-called moderates and liberals in the Liberal Democratic Party in Japan against Kishi, and in my judgment they are going to throw him out.

In my judgment, when the election takes place in Japan in the not too distant future, the Liberal Democratic Party will beat the radicals. Let us pray that that becomes a reality. I believe they will beat the Communists, win the election, and, of course, if the Liberal Democratic Party wins, there will be a new Liberal Democrat as Prime Minister. Obviously he will not be Kishi because there is the power drive to which I referred within the Kishi party in Japan to make that party a more liberal party.

I say in passing that such development should be no new experience for us to understand in the United States. That is even true of my own party in the United States. It has reached a great point of crisis in Japanese politics.

I have been in Japan, too. I am not one of those who feels that because he has visited a country he is in an expert position to speak with authority upon the problems of a country he has visited. At least it does put one in a position to take note of his observations and to keep in mind the many conversations that he has had with leaders of a foreign country in regard to the internal problems of the country when he is in that country.

Nothing has happened in Japan that has surprised me since my visit to Japan, because businessmen, professional men, and politicians in Japan told me in conferences I had with them that Japanese politics would follow just about the course of action that they have followed. This treaty will not create a rosy, pro-American political climate in Japan, and if any Senator votes for the treaty this afternoon on the basis of that assumption, I wish to say most respectfully that in my opinion he is voting on the basis of a false assumption.

We hope Japan is on the march to greater and greater progress. In my judgment, the moderate, private-enterprise, economic, and political forces of Japan will prevail. I believe we should do everything we can to help strengthen that approach, because that is the approach of the political society for Japan based upon a system of government by law, as contrasted to a system of government by men, which always prevails when radical groups such as the Communist bloc or State Socialist bloc or other radical groups take over the government of a country, including, may I say, also fascist groups.

One of the first mental reservations we should make this afternoon is one in regard to the effect of this treaty upon pro-American feelings in Japan. It is my judgment that this treaty will not strengthen pro-American feelings in Japan. I think that for the time being, under our present foreign policy in the Pacific, it will help to strengthen the security of our country and the security of Japan because of the mutuality of agreement in regard to defense policies under the treaty.

But there is another reservation I would have the Senate consider this

afternoon as we ponder this treaty and come to vote upon it. When all is said and done, this treaty is but another structure in the containment policy of U.S. foreign policy. This is nothing but an extension of the containment policy.

I had hoped that even before now more people in our country and that more Members of Congress would have given recognition to the fact that our containment policy in the long run will not work. When I say it will not work, I mean it will not win the peace. This is one of the great issues in American foreign policy, about which too few people are doing very much thinking.

I believe that if we continue to build a foreign policy based upon the program of containment of the Russian-Red Chinese Communist threat, the end will be war, and inevitably so. Such a policy as this, based upon a bilateral relation between the United States and Japan will produce—what? It will produce a further strengthening of the arms race. I say to Senators, "You wait and see." I say that Senators should expect in future sessions of Congress proposals that will be made to strengthen the military containment implications of the pending Japanese Treaty.

There may be those who think that we can continue that containment policy, with an ever-growing increase in the nuclear armaments program, to produce permanent peace in the world. Those who think so have read some history that I have never read; obviously they have never read the history I have read. If the history of mankind teaches anything, it teaches that armament races which last very long are armament races that end in war.

Therefore, one of the mental reservations I have about the treaty is the reservation expressing my fear that I believe it will add to the armaments race and not increase the possibilities of diminishing the armaments race.

I will give my reason for that observation in a moment. I wish to stress the premise first, because it is one of the major premises of my analysis of the treaty and its implications in terms of future American history.

Mr. President, what we have here again is another pact, in this instance a bilateral pact, between two great powers in the world, pledged to come to each other's assistance in the case of attack. From what direction will the attack come if it comes? It can only come from Red China and Red Russia.

Once again we proceed with a military course of action, in which we make very clear to the Communist section of the world that "we are getting ourselves ready to take you on if you in turn make a mistake in judgment which results in increasing nuclear armament program, cause an accident or an incident or make a mistake, or if you in turn, in your ever-the dropping of the first nuclear bomb."

I would have Senators keep in mind that such information as we have seems to indicate very clearly that the probabilities are great that within the next 10 years Red China will be a nuclear power.

That is why I believe it is important, if we are to ratify treaties such as the one before us, that we should accelerate a program which seeks at least to lead our foreign policy down another road, a road which seeks to set up a world authority whereby the issues which threaten the peace of mankind will be settled, and not by a proposed program of military containment, but by a program which will result in the application of the rules of reason, rather than the jungle law of military force, to the problems that threaten the peace of the world. If we are to travel that road, we must travel it with many others.

So I move to the next mental reservation I have about the treaty. Why is this a bilateral treaty? Why are we being asked to ratify a treaty this afternoon which places upon the United States the tremendous military obligation and defense obligation the treaty assumes for us? Where are our allies in this treaty? Where are our friends in the world with respect to the treaty?

Why is it a treaty only between the United States and Japan? Could it possibly be that England, with Hong Kong, has no vital concern or interest in a treaty which is entered into between Japan and the United States? What about Canada, Australia, New Zealand, France, Italy, and all the other free nations of the world?

One of my mental reservations is that once again we see our allies in the background perfectly willing to let Uncle Sam do it—to paraphrase the old saying, "Let George do it." In this instance it is Uncle Sam who is asked to do it.

Therefore, I have been concerned about the bilateral nature of the treaty. If no one else will help, then I would not have my country shirk its responsibility to the meeting of the evergrowing Communist threat.

In seeking to find an answer to the question, "Where are our allies?" I went back into our documents. In fairness I believe the record should show this afternoon how it came about that we find ourselves in this bilateral relationship with Japan, although we sacrificed the lives of many American boys in World War II, which was participated in by other allies as well as by the United States. Of course, the war against Japan was not a war between the United States and Japan alone. When I say that, I do not detract one iota from the great contributions which other allies made to that war. Of course, it is true that the United States assumed the greatest burden of that part of World War II which involved war with Japan.

It is very interesting to note what happened at the close of that war. We spoke for our allies. We did not speak for our allies without their approval. However, when we came to enter into a treaty, when we came to determine the terms of a surrender policy, the interesting thing is that, in effect—and I know this is subject to modification as far as technicalities of international law are concerned, but I am putting it in language which I believe the public can understand—in effect, the Allies delegated to us the role of spokesman and negotiator for all the Allies.

We find it in many documents that followed World War II, and in negotiations and relations which developed between the Allies and Japan, through the spokesmanship of the United States of America. I could offer many exhibits to document the observation I have just made, but I shall not do so in view of the hour, except to call attention to a few documents which demonstrate what I mean. I simply say that anyone who wishes to be a student of this problem can find many official documents which show that in effect, if not formally, the Allies delegated to us that spokesmanship role and the negotiator role in behalf of the Allies—excluding Russia.

I digress to say that a very important piece of research needs to be done. As a former professor, I should like to recommend to the deans of the graduate schools in America that a doctorate thesis needs to be written on the differences in attitudes and actions between the Allies and Red Russia following World War II, in the treaty that brought an end to the war, and in the terms-of-surrender policy which was to prevail in Japan.

One of the most remarkable things to be found is that at that very time Russia, over and over again, served clear notice that she could not be relied upon as an ally. She was a nonparticipant in a good many of the negotiations with Japan and has remained so up to the very hour when I speak.

That is the main reason, as I find as I study the record and read the accounts of those who know all the background of the treaty with Japan, why the word "Formosa" is not even mentioned in the treaty with Japan. It is pretty well understood that from the standpoint of relations with Russia, it had better not be mentioned. So up to the very moment at which I speak, we still have suspended in international law, undetermined and in complete abeyance, the whole question of the sovereignty of Formosa. It is not touched in the first Japanese Treaty, and is not touched in this one either, please take note.

Does any Senator think he can tell us who has sovereign power over Formosa within the terms or the meaning of international sovereignty or international law? Not a nation in the world at this moment. Surely not the United States. No matter how much military control we exercise over Formosa, we do not have a scintilla of international law or sovereign right over Formosa.

Certainly not Chiang Kai-shek, no matter how much military backing we give him to keep him in power.

Certainly not Red China, and certainly not Japan. Yet it was Japan that last had any sovereign power over Formosa.

The sovereignty of Japan over Formosa was well recognized in international law prior to World War II. Japan got Formosa by conquest, but she met all the criteria over the years for the establishment of sovereign rights.

So we ought to keep in mind the fact that the question of Formosa and the Pescadores is still in the background, unsettled by any Eisenhower doctrine in the Formosa Strait, unsettled by any

use of American military might in the Formosa Strait. Here, we see, we have a problem which can be settled only by the rules of reason, not by nuclear bombers or jet fighters or hydrogen bombs, so far as international law is concerned.

Of course, the question can be settled by the exercise of jungle law, if it is willed to do so. In consequence, that part of the world, and subsequently all the rest of the world, would be thrust into a great nuclear holocaust.

I would have the Senate keep in mind, as we come to ratify the treaty, that here is an implication which does not arise from the problem simply because we vote to ratify the treaty. Therefore, I respectfully suggest that our allies cannot escape this problem, even though they remain silent at the present time, and even though they do not participate with us in this new treaty, but apparently are content to let what I respectfully recall an international fiction be extended once more into a treaty between the United States and Japan, as that international fiction was extended into the first treaty between the United States and Japan.

I am of the opinion that many years after all of us here are gone, history will record that the Allied Powers which fought World War II and conquered Japan evaded a very delicate and hot issue at the time the Japanese treaty was signed after World War II. I think history will probably record that it would have been in the best interest of peace and in the best interest of setting up an international order under which the rules of reason through international law could have been applied for the creation of a permanent system of peace in the world if all the Allies, including Russia, had gone to work for as many months, or possibly more than months—2 or 3 years—to try to iron out the difficulties. We should not forget that at that time we were working together in a common cause. At that time we might have created an Allied treaty with Japan, equally binding on Russia as well as on the United States and on our allies. I respectfully submit that our allies were bound by the spokesmanship of the United States in the negotiation of the Japanese treaty in 1951. They can be charged with a tacit understanding of giving their power of attorney to the United States in the negotiating of that treaty.

But where were they in connection with the negotiating of the treaty now before the Senate? The course of action which was followed in this instance was a completely bilateral one between the United States and Japan.

I am not one to pause longer than to take note of what has happened in history and to try to learn a lesson from it, as a guide to our future course of action. In other words, I am not one to cry over spilt milk. I ask myself, once the facts of a situation are presented to me: Where do we go from here? What I am saying is that following the defeat of Japan our allies passed to the United States the major responsibilities of negotiating a peace settlement with Japan.

As a documentation of our spokesmanship in behalf of our allies—that is, our true allies, in my judgment—I cite the postsurrender policy of Japan announced in a document as of that time dated September 6, 1945.

When I use the phrase "true allies," I repeat what I have said on other occasions; namely, that during World War II it was my public position that Red Russia was never an ally of ours; all she was was a country with a common enemy, fighting a common enemy. I had too many opportunities to make observations of incident after incident and evidence after evidence that clearly demonstrated that if Russia was an ally of ours, she was a very strange, peculiar, and novel ally, because I knew something about the shiploadings on the west coast and about the Russian ships which took away our lend-lease offerings to Russia and our military supplies to Russia; and I knew of the policies and restrictions and censorship and prohibitions against any official observation by representatives of our Government on the very ships on which those supplies were being loaded. In fact, in most instances it was impossible even to find out what the course of the ship was to be; and time and time again there was manifested anything but the attitude of an ally. All of us know that even in Russia itself, by means of the prohibitions the Russian Government imposed upon our forces that were inside Russia during the war, we had ample warning that we were dealing with a country and a government which had a common enemy, but was not a true ally.

When it came to the problem of determining the post-surrender policy for Japan, a very interesting document, dated September 6, 1945, was entered into. At the beginning it states:

This document is a statement of general initial policy relating to Japan after surrender. It has been approved by the President and distributed to the Supreme Commander for the Allied Powers and to appropriate United States departments and agencies for their guidance. It does not deal with all matters relating to the occupation of Japan requiring policy determinations. Such matters as are not included or are not fully covered herein have been or will be dealt with separately.

PART I—ULTIMATE OBJECTIVES

The ultimate objectives of the United States in regard to Japan, to which policies in the initial period must conform, are:

(a) To insure that Japan will not again become a menace to the United States or to the peace and security of the world.

(b) To bring about the eventual establishment of a peaceful and responsible government which will respect the rights of other states and will support the objectives of the United States as reflected in the ideals and principles of the Charter of the United Nations. The United States desires that this government should conform as closely as may be to principles of democratic self-government but it is not the responsibility of the Allied Powers to impose upon Japan any form of government not supported by the freely expressed will of the people.

These objectives will be achieved by the following principal means:

(a) Japan's sovereignty will be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor outlying islands as may be determined, in accordance with the Cairo Declaration and other agreements to which the United States is or may be a party.

(b) Japan will be completely disarmed and demilitarized. The authority of the militarists and the influence of militarism will be totally eliminated from her political, economic, and social life. Institutions expressive of the spirit of militarism and aggression will be vigorously suppressed.

(c) The Japanese people shall be encouraged to develop a desire for individual liberties and respect for fundamental human rights, particularly the freedoms of religion, assembly, speech, and the press. They shall also be encouraged to form democratic and representative organizations.

(d) The Japanese people shall be afforded opportunity to develop for themselves an economy which will permit the peacetime requirements of the population to be met.

Mr. President, this afternoon I would not have the Senate seek to ignore that military policy of surrender, which we imposed upon Japan.

We did a great job in imposing it, because we came to deal with the problem of demilitarization of Japan by way of obtaining educational acceptance by millions of the Japanese people. I believe history will also record that one of the greatest contributions made by the MacArthur administration in Japan was in getting an overwhelming majority of the Japanese people during that period of time to accept the philosophy of demilitarization and the historic fact that one of the great causes of Japan's problem, which led to World War II, insofar as Japan was concerned, was the military dictatorship which in effect had come to characterize the Japanese Government. Japan had come to be ruled and dominated by the military powers in Japan.

We did a remarkably good job in convincing millions of the Japanese people that that course of action must be reversed. In these articles of surrender policy we made very clear that we would impose that policy upon Japan, if necessary.

But the interesting thing is that we did not have to impose it by any expression of force. We stated it. We got the leaders who came into political power in Japan, following World War II, to accede to it; and it became Japanese policy. Today, it is deeply entrenched in the thinking of millions of the Japanese people who seek to help establish a world order of peace.

I wish to draw a line of distinction between two classes of Japanese citizenry. There is no doubt that the Japanese Communists, aided and abetted by Communist agents from Red China and Red Russia, play upon this policy for propaganda purposes. Mr. President, they will always do that, everywhere in the world. The sad thing which confronts us in regard to our attempts to win the peace and set up economic and political procedures which will strengthen the peace and strengthen freedom and help us expand a private enterprise economy in all the areas of the world where the fight for freedom has to be won, is that the Communist will come in and, with their wicked and lying and clever propaganda,

seek to use these very legitimate and desirable economic and political objectives to mislead the people of that country.

So, in Japan today, I am well satisfied, part of the Communist drive is to point out that the United States and the other allies took the position that Japan should be demilitarized, that military power was not to be restored; and the Communists make attacks—very unfair ones, at least from the standpoint of the thesis from which I argue this afternoon—upon this treaty, in that they allege that it constitutes a reversal of American policy, and that now the United States is seeking to build up another military class in Japan.

Mr. President, all of us know better than that; but we cannot escape the fact that the treaty will, to some extent, supply a false platform for Communists who so argue.

However, Mr. President, I am not basing my point on the attitude of the Communists in Japan. I am basing this argument on the attitude taken by a very large number of non-Communists, Communist-hating, freedom-loving Japanese in the professions, in business, in labor, and in politics.

A part of the struggle within the Liberal Democratic Party in Japan today against Kishi, on the part of some of the moderates in that party who seek an election and seek to overthrow Kishi and supplant him with another Prime Minister from the same party, but more liberal in point of view, is their fear that Japan is moving again in the direction of seeking to build up her military power and become in the Pacific again a military country.

Mr. President, I would that that could have been avoided. I think we ought to try to avoid it. I think if the approach had been an approach other than a bilateral approach, but an allied approach, with the Allies coming out from under cover, with the Allies ceasing to set up the United States as their spokesman in regard to the Pacific problem, the cause of peace for the future would have been much more enhanced than, I fear, it may be if this treaty is accepted as the sole answer to the approach toward communism in the Pacific.

Let us see what these articles, of September 6, 1945, have to say so far as they concern a surrender policy for Japan, have to say about military occupation, because we come to the next major point I want to mention, which was alluded to by Walter Lippmann in his column and by many other writers here in the United States in recent weeks as they have discussed in their editorials and in their columns the implications of the Japanese treaty.

This article of September 6, 1945, on the problem, reads as follows:

> There will be a military occupation of the Japanese home islands to carry into effect the surrender terms and further the achievement of the ultimate objectives stated above. The occupation shall have the character of an operation in behalf of the principal Allied Powers acting in the interests of the United Nations at war with Japan.

I repeat that sentence, Mr. President:

> The occupation shall have the character of an operation in behalf—

I emphasize the words "in behalf"—

> of the principal Allied Powers acting in the interests of the United Nations at war with Japan. For that reason, participation of the forces of other nations that have taken a leading part in the war against Japan will be welcomed and expected. The occupation forces will be under the command of a Supreme Commander designated by the United States.
>
> Although every effort will be made, by consultation and by constitution of appropriate official bodies, to establish policies for the conduct of the occupation and the control of Japan which will satisfy principal Allied Powers, in the event of any differences of opinion among them, the policies of the United States will govern.

That is the catch. That provision created the problem. That is the major point of my thesis in respect to this premise. That is the spilled milk, Mr. President. That was a great mistake which we made.

I am not in a position this afternoon to give an indication as to why that mistake was made. It is going to require a good deal of research and probably the passage of a lot of time for that research; but of one thing I am satisfied: Our country made a great mistake when we took that position so early that, in the event of any differences of opinion among the Allies, the policies of the United States will govern.

I hold to the point of view, and have expressed it on other occasions here on the floor of the Senate when other great documents were before us for ratification, that the greatest mistake of American foreign policy in the Pacific is that foreign policy in the Pacific is dominated by the Unted States.

So long as foreign policy in the Pacific is dominated by the United States, I think the cause of peace in the Pacific will be greatly jeopardized. Many persons do not like to hear that statement, but I am quite impersonal about it. I mean to be very objective and coldly realistic about it. I just do not think that the United States and Russia can build up and build up and build up, year after year, now with Red China becoming more and more of a major power, what has every evidence of two sides choosing up their forces, without their finally doing battle with each other.

That is why I regret that the treaty I shall vote for today—because I think it is more in the interest of my country to vote for it than to reject it—is a United States-Japanese treaty. It ought to be a Japanese-Allied treaty. It ought to be a treaty that is the result of a much greater stride toward the building up of a system of international justice through law than this treaty is.

When all is said and done, Mr. President, the essence of this treaty makes it a military treaty. I think the world should be done with military treaties. Oh, I know it cannot be done overnight; but my plea is a plea for the march of mankind in the opposite direction from military treaties, because of my very deep conviction that, if we continue for many more years adding military treaty on top of military treaty on top of military treaty, we shall be in a holocaust from which there will be no return. It will certainly be the end for the participant nations, and too many innocent, nonparticipating nations will get caught in the holocaust at last.

We are again confronted with the same old paradox. We must do those things which are necessary to make it clear to the Communist sector of the world that it has nothing to gain by an aggressive course of action against the free world. That is the chief justification given for the treaty. Senators may read the report and analyze the arguments. I do not see how anyone could escape the conclusion I present. This is a military treaty offered to give further notice to Russia that she has everything to lose and nothing to gain by an aggressive course of action.

But this does not further the cause of peaceful procedures for the settlement of disputes. The treaty does not even include our allies. No matter what happens under the treaty, Mr. President, they at least can say, "We were only parties to it by proxy. We were only parties to it by an extension of what was understood in 1945, that the United States spoke in behalf of the Allies."

But did we? Really, did we? What evidence do we have from England, France, Canada, Australia, New Zealand, Italy or any other ally that we really did speak for our allies? What tangible, concrete support have we had from our allies in regard to the solution of any of these problems of the Pacific? They are perfectly content to let us carry the burden. I wonder how content they will be if things go awry?

It is said, "Well, Mr. Senator, it is one thing to point that out, but what do you propose to do about it?" I have made proposals from time to time. For the RECORD, I shall summarize them again this afternoon as I bring this speech to a close.

I have one additional word to say about the attitude in Japan on the part of that type of substantial citizen we want on our side, who is very much puzzled about the treaty today, referred to again by the great Lippmann and other writers. We should not forget, Mr. President, that the treaty continues to a degree, American military occupation in Japan. If Senators do not like the word "occupation"—if they find that causes a little tension—then let us use another word. The treaty would authorize the maintaining of an American base or bases in Japan.

From the standpoint of the Japanese citizen in this much larger group, I fear, than some who have discussed the matter would have us believe, this amounts to foreign soldiers on Japanese soil. I do not care how serious is the threat of a vicious ideology such as communism in any part of the world, the maintaining of a foreign soldier on a country's soil automatically is a source of resentment. It has always been so, and I think it will forever be so.

There is great criticism even in the newspapers to which Lippmann refers in his article this morning. These newspapers are already proposing renegotiation of the treaty, although the U.S. Senate has not yet acted upon the resolution of ratification. There have been editorials on the part of non-Communist newspapers in Japan expressing this emotional attitude to which I have referred about American military personnel being kept on Japanese soil. I think the situation will get worse rather than better.

This leads me to comment on the point made by the Senator from Arkansas [Mr. MCCLELLAN] in his colloquy with the chairman of the committee [Mr. FULBRIGHT] concerning the duration of the treaty. I cannot reach the conclusion which was expressed on the floor of the Senate that there is any open end to the treaty, other than the 10-year end, with a year's notice.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. LAUSCHE. If it is wrong for us to have our troops in Japan under a joint understanding between our country and Japan, what about the troops of the Soviet Union in the satellite nations of Poland, Hungary, Czechoslovakia, Rumania, Lithuania, Latvia, Estonia, and all the other captive nations?

Mr. MORSE. I think, from the standpoint of the promotion of world peace, both are indefensible.

Mr. LAUSCHE. Both of them?

Mr. MORSE. One is as indefensible as the other.

Mr. LAUSCHE. Is it not a fact that so long as the Soviet Union pursues the course it has pursued, for our own security we have no alternative to seeking alliances and bases which enable us to compete with them?

Mr. MORSE. This is not an adequate answer, and I shall attempt to give a more adequate answer in a moment, but I say, good naturedly, as a parent I never accepted the idea that my child should continue improper behavior simply because a neighbor's child was guilty of improper behavior. I always thought we had a neighborhood problem, and that the parents ought to get together and negotiate a peace settlement.

Mr. LAUSCHE. I agree with the Senator in that regard, but when there are thieves and bandits upon the highway the peaceloving citizen must discard his judgment that he can do without police and do without arms to protect himself.

Mr. MORSE. I have never proposed that. The Senator understands, I am not making an argument this afternoon for a non-defense policy on the part of the United States. I am making an argument this afternoon for joint action with our allies.

Mr. LAUSCHE. I think it would be wonderful.

Mr. MORSE. I am raising a question as to why we did not try to arrive at such an agreement. From the investigation I have made I have been left with the conclusion that no attempt was made to change the position to which we acceded in 1945, when we assumed the role of spokesman for the Allies. I think it was a mistake then. I think it is a greater mistake to continue it now, after we have had all the lessons to learn since 1945.

Mr. LAUSCHE. I think it would be remarkable if the major nations with whom we are allied, especially those who have interests in the Far East, would join with us in the treaty. I do not know why it was not done. Frankly, in meditating during the Senator's argument, I assumed there must be some good reasons. I do not know what the reasons are. Perhaps there are none at all. The argument of the Senator from Oregon was so potent in regard to the comfort one would find in knowledge that there were more than merely Japan and the United States as parties to this agreement, that I did meditate upon it and come to that conclusion.

Mr. MORSE. Honest men can differ as to the interpretation of the course of action which has been taken by our Government. But, in my judgment, ever since World War II, we have not made a really vigorous attempt to try to get Pacific problems first within the jurisdiction of the United Nations and, failing in that, at least get them within the common cooperative enterprise of the other allies acting with us.

I think the sad fact is that we have followed to a greater extent than we should, a U.S. unilateral course of action in the Pacific. I think it should be changed. We will not change it overnight or drastically, but I shall make certain suggestions before I take my seat that I think would be at least first steps toward that change and which would increase the chance, I think, of our avoiding what might very well be, if we continue to build up the armament race in the Pacific, a war in the Pacific.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. Returning to the thought which I originally expressed, I feel that in the face of the persistence of the Soviet penetration everywhere, and now within 100 miles of our shores, our country must try to develop allies among people who show a disposition to subscribe to the philosophy of liberty and democracy.

During the hearings I said to Secretary Herter that in my opinion, of all people in the Far East, the Japanese have shown a greater tendency to adopt our ways than had other people in that area.

This morning I saw a picture somewhere of little Korean boys in baseball uniforms. It may be that some of our basic thinking has penetrated into Korea.

Mr. MORSE. They love Indian suits, too.

Mr. LAUSCHE. That is correct. But I think by disposition Japan leans to the West. The treaty which we are considering today is more beneficial to our country than the treaty that we are abandoning if domination over a country is considered.

Mr. MORSE. I completely agree. I think it would be a matter of only a few years, anyway, when we would have had to abandon the other treaty, because I think if we had continued that practice of domination, we would have increased the danger of more and more Communist control in Japan, and there would be less likelihood of a Liberal Democratic Party, such as the Kishi party, winning the next election. Maybe they would not win the next election, but they might win two or three elections from now.

I think that is one of the strengths of the treaty. At least there is less military domination than previously existed.

I am worried, as I said, about the extent to which the treaty involves also the building up of some military power on the part of Japan itself, after we have done such a fine educational job in getting the Japanese people to reverse centuries of military philosophy and accept the notion of a demilitarized country.

Mr. LAUSCHE. I do not know whether it is generally understood, but the fact is that the treaty which we exacted as military conquerors imposed conditions upon the Japanese people that should not be imposed upon any dignified human beings.

Mr. MORSE. That is true, and yet it was a remarkably moderate and fair treaty in view of the public demand at the time. The Senator will remember—though it is so easy to forget—the attitude that prevailed in the United States following the Japanese war, because our boys had been subjected to some unbelievable atrocities, and the bitter feeling toward Japan and the people of Japan. It went beyond the Government of Japan; it went to the people of Japan.

Mr. LAUSCHE. That is correct.

Mr. MORSE. The feeling was very intense, and I felt that our Government was remarkably moderate in that treaty in view of what the emotional extremists at the time wanted us to exact from Japan.

Mr. LAUSCHE. I am glad the Senator agrees with me that if we wanted to be tyrannical and to remain conquerors, we would insist upon the terms of the treaty of 1951, which was finally approved in 1952. Those terms would have probably precipitated great difficulty, and instead of being beneficial, they would have been harmful to us.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CASE of South Dakota. Mr. President, the Senator from South Dakota has listened with great interest to most of the debate, and he thinks that all this debate will be found useful in the days, weeks, and years ahead. I found myself intrigued by several of the observations that were made.

First, I refer to two or three of the observations which were just made in the exchange between the Senator from Ohio and the Senator from Oregon with respect to the retention of some of the features of the original 1951 treaty. I think history will demonstrate that any treaty must be lived with if we are to have self-respect between the engaging powers. If there were provisions in the

1951 treaty which, even if it was a moderate treaty under the temper of the times, were provisions which were somewhat onerous, let us say, to the Japanese, there would have to come a time when they would have to be changed.

The ratification of a treaty is a formal act. Living with a treaty is something else. It is much like the marriage vow. Marriage can be entered into as a formal contract, but the marriage is something that must be lived with day after day and in the years ahead. If it does not provide for mutual self-respect, or if in the carrying out of the contract there is no mutual self-respect, the contract will eventually fall.

It seems to me that it is in the interest of both Japan and the United States to have a treaty which each country can honor and retain its self-respect.

The treaty with Japan in 1951 was moderate in relation to the temper of the times, and to remind ourselves of how moderate it was all we need do is to compare it with the unconditional surrender which was imposed upon Germany earlier during World War II. The treaty with Japan, it always seemed to me, was better considered in that respect than the extreme conditions which were written into the unconditional surrender idea.

With respect to the importance of our maintaining troops or bases in Japan, and as to the justification that we should maintain such troops because Russia has troops in some of our satellite countries, we ought to remember, it seems to me, the principle of human psychology to which the Senator from Oregon has alluded when he said that over a period of time any country resents having foreign troops within its borders.

Mr. MORSE. Particularly a free people.

Mr. CASE of South Dakota. Particularly a free people. Even in countries which have surrendered or lost some of their freedom. I have no doubt that there are germs of resentment in the so-called satellite countries of Communist Russia, and that the real seeds of freedom will grow in those countries as that resentment increases.

Mr. MORSE. If the Senator will yield for one interruption—and I want him to continue with his discourse—the interesting thing about this to me is that our own American intelligence, working in those countries, is counting on what the Senator envisages. That happens to be one of the things we are counting on to eventually help overthrow these totalitarian governments. In a sort of negative way we hope it will prove the point we are making, that the resentment will be the seed of the revolt against the foreign government.

Mr. CASE of South Dakota. To the extent that the occupying power pushes these countries down or tightens the screws in them, the greater the resentment and the greater the possibility of an eventual explosion. The placing of foreign troops in any country where there is self-respect and a desire for freedom must in the long run be regarded as a liability to the country that tries to keep the troops there.

The only intelligent approach, it seems to me, is an attempt to respect, as conditions permit, the desire for liberty, the desire for self-respect, and the encouragement of democratic processes in the occupied country.

I am glad that the treaty does contain a 10-year provision, rather than an open end. I am glad that the Japanese, after 10 years, if they wish, can serve a 1-year notice and say the treaty will end after 1 year.

As the Japanese people consider this treaty, they will regard it as something in their favor. I regret as much as anyone can the situation which has developed in Japan in the last few weeks. I was in Japan over New Years Day. When I was there I had a talk with Ambassador MacArthur about the scope of the treaty. That was only 3 weeks before he came to Washington for the signing of the treaty. I came to Japan through southeast Asia, through Taiwan and Hong Kong. I thought I had obtained some impressions on the developing attitudes in the Far East.

The Senator from Oregon makes a point with regard to the way in which we count upon ferment in the satellite countries or occupied countries or depressed countries to be the yeast which will eventually lead to the overthrow of oppression.

In Hong Kong and in Taipei, the people who discuss these matters with visiting Members of Congress point to the fact that people in Red China are commencing to react against the pressure the present government of Red China places upon them. They point to reports of the long hours that people are compelled to work, on the way in which the policy of the present Chinese Government runs counter to the traditional respect for families, and the traditional respect for ancestors, and the way in which the present government of China is destroying traditional Chinese life. All these things are seized upon by our friends in Hong Kong and Taipei as evidence of the fact that eventually the policy of Mao must come to disaster in China.

We seize upon it. Therefore, in the long run oppression will bring about an explosion. I have no doubt that it is the aim of the Communist world to try to cause as much trouble as they can, to fish in as many troubled waters as they can. I believe the Communist world would like to neutralize Japan. I believe they would like to defeat in some manner the effective operation of the proposed treaty.

One cannot travel through Okinawa without realizing there are pressures at work to try to reduce the influence of the United States in the Ryukyu Islands. All of those things are at work. It is unfortunate not merely for the United States but also for Japan that these elements were given an opportunity to fan feelings into flame at this particular time.

On second thought I believe that the great majority of the Japanese people will see that the treaty is in the interest of their country, because it gives them a shield, because it gives them the protection of the United States against possible aggression. They are not in a position to defend themselves today. With the limitations that were placed upon the development of their military forces, what air force they have, what navy they have, and what ground forces they have must all be considered in terms of self-defense. It is a self-defense air arm. It is a self-defense navy. It is a self-defense ground unit. They must all be considered in terms of self-defense under the treaty. I do not believe that the number of troops—they cannot even be called troops—would be utterly inadequate to defend Japan against Communist aggression.

I am also convinced in my own mind that, given a little time, the Japanese people will thank God for the fact that there is in effect a treaty which gives them the shield of the United States.

Some questions were raised about the advantage of the treaty to the United States. It is asked what advantage is there to the United States to have this mutual security treaty in effect, when the United States assumes the big burden and cost of providing defense for Japan. What does it provide for us? That question can be answered simply by saying that if we were not there and aggression took place tomorrow, we would want to get there in the shortest time possible. Jet planes would not be fast enough. We are already there, with a deployment up and down the 1,500 miles of the islands that constitute the whole Japanese area there. We are already there. That is of some benefit to the United States under the pressures that exist.

In addition to that, I believe the treaty has other benefits. It makes possible a better exchange of cultural relations, better trade relationships, and things of that sort. We are in much better position today, if we act wisely with our personnel, than if we did not have them there.

I am glad that there is a termination date for the treaty, so that as these things grow, changes can be made. Perhaps the treaty will be succeeded by a treaty which will be more in the economic field. However, for the time being, I believe the treaty is a treaty of mutual interest. The Japanese people, on second thought, will be just as glad that it is in effect. I suspect that a majority of them are in favor of it.

There is one other point I wished to comment on, and this is where I take a little issue with my friend from Oregon. The Senator from Oregon suggests that it would be desirable if we had some allies with us in the treaty. First, I wish to point out—and I am sure that the Senator from Oregon is even more familiar with this than I am—that the treaty does repeatedly refer to the United Nations.

Mr. MORSE. I am going to quote that. I have that point marked for discussion.

Mr. CASE of South Dakota. It provides:

> Any armed attack * * * shall be immediately reported to the Security Council of the United Nations.

In the first article of the treaty there is provided:

> The parties undertake, as is set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means.

In the next sentence, the United Nations is mentioned again. It reads:

> The parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

Therefore, there is recognition in the treaty of the United Nations and of our allies.

The point at which I differ particularly with the Senator from Oregon is in wishing that there were other parties to the treaties. I do not suggest that Russia herself should have been made a party to the treaty. I think it is an oversimplification to make that statement. Yet it meets my point. I am glad Russia is not a party to the treaty, because I would not want Tokyo today to present a problem akin to that which Berlin presents. I do not see how we could have Russia come into partnership in the treaty without taking a chance that we would have a divided Tokyo, a Tokyo divided into sectors, as Berlin was divided into sectors, and perhaps be confronted with the problem of access and other problems which we find in our relationships with Berlin.

I thought Russia got considerably more out of the Japanese war than she put into it, for only a couple of days' participation, which was precipitated by the action which we took in August with the bomb. Russia hurried and rushed in, then asked for the fulfillment of the Yalta Treaty, and expected to take the Manchurian Railway, the Kuriles, and Sakhalin. I thought she got more out of the war than she put into it.

Thus, so far as making Russia a party to this particular treaty is concerned, I would not favor that. I do not regret that Russia is not a party to it.

At the same time, having said that—and I have already spoken longer than I said I would, to deliver myself of a few thoughts which have occurred to me as I listened to the debate this afternoon—I feel very deeply that it is impossible for the United States, on the one hand, and Russia, on the other, to continue the arms race without expecting that some day something will happen by miscalculation, by accident, or by some impetus or movement to cause a holocaust or catastrophe to come to the world.

I have believed that we should, at every possible opportunity, attempt to find ways to lessen the tension which exists in the world. That is why I have wholeheartedly supported the President in his efforts to find some way to lessen the tensions of the cold war.

I have some feelings, some convictions, concerning the way in which certain actions have been handled. I shall not take the time to dwell on them now. I recognize that the U–2 incident and the events which have followed have shaken our entire oversea posture. In some remarks on the floor before the "blowup" at Paris, I observed that I thought the U–2 incident meant we had to reexamine our military posture overseas. I said then that I thought it raised questions about the ratification of the Japanese treaty. I suggested that some clarification, at least, would be needed; and that if the situation became a little shaken in Japan, repercussions would be felt throughout the Far East. I think we shall have to take cognizance of that.

We shall have to recognize that the small countries of the world, the countries in which we have bases, do not want to become the first battleground in a nuclear war. We cannot expect small powers, up against the borders of the Communist world, to approve of our using bases in their countries as launching points for reconnaissance machines, or whatever they may be called. Such countries are simply too close to Russia. The inevitable result for them would be to be ground between the hammer and the anvil.

In recognizing that fact, I think we should reexamine our entire posture overseas, and place our emphasis on the development of a defense capability which will fall more upon our own self-reliance. That was the basis on which I supported, the other day, some of the changes in the defense appropriation bill. The B–70, the carrier, and the modernization of the Army, I thought, were movements in the direction of improving our own military posture. They are means by which we can depend upon ourselves. I thought the action which was taken was justified in the light of the present situation.

I have strayed a bit from the discussion of the treaty; but I believe what I have said is related to it, because the incidents which have led to the situation which we find expressed in the very regrettable incidents in Japan have their repercussions in our total security position.

So far as the treaty is concerned, I certainly intend to support it. I think it is in our interest to do so. I think it is likewise in the interest of the Japanese to do so. If it were not a mutually beneficial treaty, it could not live or survive, in any event. However, it is a mutually beneficial treaty; therefore, I shall vote for it. At the same time, I shall hope we will not consider that this treaty is the end of the matter. We shall have to live with this contract afterward; and day by day, week by week, month by month, and year by year we must seek to make the relationships between the United States and Japan a rich, fruitful experience, beneficial to us all.

Mr. MORSE. Mr. President, I deeply appreciate the contribution which the distinguished Senator from South Dakota has made to my discussion of the treaty this afternoon. Many of the reasons he expressed, up to the point where he expressed certain differences with points of view which I have expressed, are the same reasons which caused me to reach the decision I reached in the Committee on Foreign Relations to support the treaty. That is why I said at the beginning of my speech, in effect, that I thought the benefits of the treaty, read from its four corners, outweigh its disadvantages. I think the treaty has some advantages which I am seeking to develop this afternoon.

I shall comment, when I reach that point in my speech, concerning the factor of the United Nations, which I think is involved. I shall also comment concerning my view about what we ought to try to do to carry a peace offensive against Russia with respect to the treaty. It is not my view that, in doing so, we would set up Tokyo as another Berlin. I hope we will not make the same mistake twice. We must promptly take advantage of the opportunity which we have, and which I think we must use, to carry a peace offensive against Russia in respect to this treaty We must not give up the opportunity, which I think is ours to get our allies to play a greater part in solving the problems in the Pacific.

Furthermore we must not give up the opportunity to bring the United Nations into the picture. This we certainly have not done.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon, who has already been so generous with his time, yield?

Mr. MORSE. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. First, I commend the Senator from Oregon for going into such great detail to express so frankly the views he has expressed. I think it is very worthwhile to put all the facts we can into the RECORD.

I may state again that I favor the treaty and shall vote for it, but that does not, by any means, mean that it is a perfect instrument. Far from it.

From the Japanese point of view, it is far better than the 1951 agreement.

According to the testimony of Assistant Secretary of State for Far Eastern Affairs J. Graham Parsons, as it appears on page 12 of the hearings before the Committee on Foreign Relations on Executive E, 86th Congress, 2d session, on January 7, 1960, the old treaty did not reflect the Japanese interest in the following respects:

> The United States was permitted to use bases in Japan without consulting the Japanese Government for actions in other parts of the Far East that might involve Japan in a war irrespective of her own desires.
>
> Second, the old treaty permitted the United States to bring into Japan whatever weapons she chose regardless of the wishes of the Japanese.
>
> Third, the old treaty provided for the intervention of U.S. forces in large-scale international disturbances in Japan.
>
> Then it provided for a U.S. veto over any arrangements for the entry of the forces of a third power into Japan. And finally, as has been stated, there were no provisions for the termination of the treaty.

I should say that from the point of view of the United States, the new treaty, the one under consideration now, creates problems and raises questions, as the Senator from Oregon is so ably bringing out. According to testimony at the hearings, which the Senator from Oregon attended, a question arose as to what would happen if an opposition party or a party opposed to Mr. Kishi came to power. The question was whether it would be possible for the new party to

disavow the treaty now under consideration, if it is ratified. I believe the answer was, "Yes, it could."

I think we ought to point out that even though this is a 10-year treaty, with a 1-year period added, to make it an 11-year treaty, during which time either side can give notice of withdrawing from the treaty, in my opinion it would be possible at any time, after the treaty shall be ratified, for renegotiations to take place in view of changed conditions.

One way would be voluntary action on the part of the two Governments.

Another way would be if perhaps some party different from the one which Kishi represents came into power, and had different ideas—not that I am advocating that; I am simply raising the possibility.

Both the Senator from Oregon and the Senator from Ohio [Mr. LAUSCHE] will recall that the State Department and the Department of Defense consider the treaty satisfactory from a security point of view. They informed us that the treaty has been 16 months in the making, and that it represents a reassessment of our position vis-a-vis Japan, and, by the same token, the position of Japan vis-a-vis the United States. It represents the achievement of equality to a degree on the part of Japan, and the acquiescence of Japan to our use of the bases there, on conditions agreeable to the Japanese.

I hope that as time passes, Japan—as the Senator from Oregon has said—will more and more take care of her own defense. It would be on that basis that we could begin to consider the possibility of withdrawal from Japan.

I am sure the same reasoning would apply to the Bonins and to Okinawa, in which the "residual sovereignty" of Japan is recognized. The use of the term "residual sovereignty" recognizes the fact that when real peace and stability are achieved, these areas will, as a matter of course and as a matter of right, be returned to Japan.

In view of developments to date, in my opinion it is now too late to consider a reservation, because we have reached the "take it or leave it" stage. The treaty is better for Japan than it is for the United States; but the treay does keep Japan and the United States together; it does keep Japan allied with the West; it does recognize a mutual dependence—which is very important in any consideration—of peace and of stability in the Pacific.

I wished to make these remarks while I had a chance to do so, especially in view of the fine, outstanding speech being made by the Senator from Oregon.

I desire to point out that some of these questions were raised in the committee. For instance, the question of the legality of the ratification of the treaty by the lower house of the Japanese Parliament was raised. We were assured by Secretary Herter that that was entirely legal, insofar as we know. The question of questionability was raised; and Secretary Herter replied, "I do not think it is questionable. It has been questioned; but a quorum was present, and all the normal legislative procedures were complied with."

Question was also raised at that time about the Ryukyu Islands and the Bonin Islands, as well as other matters very pertinent to the debate now under way.

I desire to thank the Senator from Oregon for his courtesy, and I wish to assure him that I appreciate his kindness in giving me this time.

If I may, I now ask unanimous consent that the colloquy between Secretary Herter and me, at the time of the holding of the 1-day hearing on the treaty, be printed at this point in the RECORD.

Mr. MORSE. Certainly.

The PRESIDING OFFICER. Is there objection?

There being no objection, the excerpt from the hearing was ordered to be printed in the RECORD, as follows:

SIGNERS OF THE TREATY

Senator MANSFIELD. This treaty now before the Senate Committee on Foreign Relations was initiated by the Kishi government?

Secretary HERTER. Yes.

Senator MANSFIELD. This treaty was initiated or signed by Prime Minister Kishi and President Eisenhower on January 19, last?

Secretary HERTER. It was not signed by President Eisenhower. I signed and—Mr. Parsons and I signed and Ambassador MacArthur signed on behalf of the United States.

STATUS OF THE BONIN AND RYUKYU ISLANDS

Senator MANSFIELD. Now, the Bonins and the Ryukyus will be returned to Japan once a stable peace has been achieved in the Far Eastern area?

Secretary HERTER. Excuse me?

Senator MANSFIELD. The Bonins and the Ryukyus will be returned to Japan once peace and stability has been achieved in the Far Eastern area. Is that the intention of the U.S. Government?

Secretary HERTER. That has always been the interpretation of the phrase, "residual sovereignty."

DURATION OF THE TREATY

Senator MANSFIELD. Why is there a 10-year, really an 11-year, treaty under consideration rather than a standard 1-year treaty?

Secretary HERTER. Well, when as extensive rights as base rights that were given to us were envisaged a longer term treaty seemed to be to our mutual advantage so that there wouldn't be a sudden shift that might take place perhaps because of a political gesture of some kind. This would insure that for at least a 10-year period this mutual relationship could continue.

CIRCUMSTANCES OF APPROVAL OF TREATY BY LOWER HOUSE OF JAPANESE DIET

Senator MANSFIELD. Under what conditions did the Japanese Lower House approve the treaty last month?

Secretary HERTER. That—I tried to describe that rather briefly. The conditions were very disturbed in that the Japanese Socialist Party tried to keep the speaker of the House from getting to his desk for 6 hours or so; they kept him a prisoner.

Finally, the police were called in and the Socialists were removed forcibly in order to allow the speaker to get into the Diet chamber. At that time, the ratification took place by very considerable over the majority required.

Senator MANSFIELD. Was that ratification legal?

Secretary HERTER. Entirely legal so far as we know.

Senator MANSFIELD. Was it questionable?

Secretary HERTER. I dont think it was questionable. It has been questioned, but there was a quorum present and all the normal legislative procedures had been complied with.

Senator MANSFIELD. The reason I raise the question is that it is my understanding that the Socialists stayed away en masse and did not participate in this vote.

Secretary HERTER. That was a voluntary abstention on their part.

Senator MANSFIELD. Did the one Communist member in the Lower House appear at that time, or did he likewise stay away?

Secretary HERTER. I am not sure, but it is my impression he stayed away, too. He stayed away.

EFFECT ON TREATY OF A CHANGE IN THE JAPANESE GOVERNMENT

Senator MANSFIELD. If the Kishi government were replaced by a neutralist government, let us say, and this treaty was in force, do you think the subsequent government following Kishi would adhere to the agreement entered into between the two countries?

Secretary HERTER. Well, that is entirely a matter of speculation as to whether a successor government would abide by its international obligations or not.

IMPORTANCE OF THE TREATY

Senator MANSFIELD. Mr. Chairman, I have no more questions, but I want to make one brief statement. I think this is a good treaty. I think it is beneficial to both Japan and the United States, and it is my belief that the peace of the Pacific may well be determined by the continued partnership, understanding, and unity of these two countries which occupy such an important position in the Pacific area.

That is all, Mr. Chairman.

Mr. MORSE. Mr. President, I wish to thank the Senator from Montana very much for his contribution to this discussion.

As he knows, in the committee, I joined him in the views he expressed there; and I took the position that I would vote for the treaty because I think its benefits far outweigh its disadvantages.

On the other hand, I believe that some of the disadvantages and some of the implications of the treaty need to be pointed out during the course of the debate on ratification. That is why I am doing so today.

Mr. LAUSCHE. Mr. President——

Mr. MORSE. Mr. President, before I yield to my good friend, the Senator from Ohio, I ask unanimous consent to have printed in the RECORD, at the end of my remarks, the full text of the Japanese Treaty of 1951, because I believe the Senator from Ohio is about to discuss certain portions of it, and I believe the entire treaty should be in the RECORD, so those who read the RECORD will be able to refer to it.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. LAUSCHE. Mr. President——

Mr. MORSE. I yield.

Mr. LAUSCHE. The Senator from Montana has enumerated five respects in which we have made concessions to Japan in the proposed new treaty, as compared with the treaty of 1952.

The mysterious aspect of the whole confused situation of mob rule in Tokyo becomes rather pointed when we realize that from the time when the new treaty was proposed, the Communists began to oppose it. For 15 months they have been propagandizing, provoking disorders, and stimulating opposition to a treaty which

admittedly is better for Japan than the 1952 treaty.

Therefore, it is proper to ask why the Soviets have provoked disorder and have urged rejection of this treaty, which any reasonable person must concede is better than the 1952 treaty.

At the risk of repeating too much, I shall again enumerate the five provisions of the treaty which the Senator from Montana identified a moment ago.

The 1952 treaty, exacted by a conqueror from a conquered people, provided, among other things, the following:

First, the United States was permitted to use bases in Japan, without consulting the Japanese Government, for actions in other parts of the Far East that might involve Japan in war, irrespective of her own desires.

Mr. President, certainly the good, peace-loving American people would not wish to impose such a condition, even upon a conquered people.

Second, the old treaty, which is still in existence, permitted the United States to bring into Japan whatever weapons the United States might choose, regardless of the wishes of the Japanese.

In that connection, I make the same observation—namely, that we are not blood-lusty people; we do not wish to exact from the Japanese people the concession that we can bring into their land thermonuclear or nuclear weapons, without allowing the Japanese people to say anything about that.

Third, the 1952 treaty provided for intervention by U.S. forces in any large-scale international disturbances in Japan. We declared that the Japanese people shall be a free and sovereign people, but the 1952 treaty provided that our forces would be allowed to enter Japan and to quell or otherwise handle any disturbances which might occur there.

Fourth, the 1952 treaty provided for a U.S. veto over any arrangements for the entry into Japan of the forces of a third power.

The Senator from Oregon has observed that we said, "You shall deal with no one but us. You shall allow only our forces to be with you." That amounts to an exaction by a conqueror, not an effort by a fellow nation to seek peace and dignity in the world.

Fifth, the 1952 treaty had no terminal date; it was to continue indefinitely, with these rights vested in the United States.

The point I am trying to make is the mystery of the Communists stimulating Japanese youth and socialists into demonstrations against our Government when we made concessions which would never have been made by the Soviet, and would have been made only by a people of our character, who were seeking peace.

I thank the Senator from Oregon very much for yielding.

Mr. MORSE. I thank the Senator from Ohio very much. I think it is important to have in the RECORD the material which the Senator from Ohio has put in it.

Mr. President, I shall not yield further until I finish my remarks. I think I can conclude in 15 minutes if I am not interrupted. Then, if any Senator wishes to ask me a question when I am through, I shall be very glad to yield. There are two or three loose ends I wish to tie up which need to be tied up in view of the discussion during the interruption. Then I shall return to my speech in the order in which I had intended to give it.

Relating to the period of the treaty for 10 years, with a year's notification for its termination at the end of 11 years, the Senator from Montana [Mr. MANSFIELD], has said there is no doubt about the fact that, voluntarily, the two countries could negotiate for a modification of the treaty or the ending of the treaty during the 10-year period. However, the fact is they did agree to a period of 10 years, and that puts the initiator at a great disadvantage if it seeks to bring to an end a treaty to which it has put its signature.

Therefore, as I expressed in some of our discussions in committee, I think it would have been better if there had been a specific clause in the treaty that would have provided further opportunity on the part of either party to request negotiations at the end of the second year, or at the end of any year thereafter. I think such a provision would have eliminated some of the propaganda advantage that I understand both the Communist forces and the moderate forces in Japan are making use of in their attack on the treaty—that this is an attempt on the part of Kishi to tie up Japan in a straitjacket for 10 years under this treaty. A little change in the language, I think, could have avoided that propaganda advantage on the part of those who are making it. But, as the Senator from Montana has said, it became too late to seek to improve the treaty by reservation, and it was very much a take-it-or-leave-it proposition. I recognize that fact, and I, therefore, make these points only by way of a record of the debate on the treaty here in the Senate.

Then, too, some mention has been made as to the effect of the U–2 incident. I do not propose to discuss it other than to point out that I think Walter Lippmann again is unanswerably right when he comments on the effect of the U–2 incident on the uprisings and demonstrations in Japan. I think the incident was unfortunate from the very beginning. I have not only said publicly, but I am perfectly willing to repeat today, I do not think we should have used any U–2 plane over any country at any time, because, in my judgment, under international law, it constitutes aggression. I think we are guilty of it. I think we shall be guilty of it in all history as a nation that resorted to aggression by use of a U–2 plane.

I do not think we have heard the last of its psychological effects on our friends in the world. Our allies are remarkably silent about it. Their silence is attributable, I believe, to the fact that they cannot say anything good about it. They know any attempt upon their part to come right out and support the United States use of the U–2 plane flights for espionage purposes cannot be justified under international comity. I think it was a stupid, shortsighted mistake on the part of our Government. But, it has happened, and again I say, there is no sense in crying over spilt milk. At this point we must ask ourselves, "Where do we go from here?"

As Walter Lippmann has pointed out, one of the effects of the U–2 incident among our friends, where we have bases, is that they are much concerned because they cannot be too sure—and who can be sure?—as to whether or not the Russians will completely lose their heads and, by a madman's mistake, carry out the threat of their air marshal, which seems to have been underwritten by Khrushchev, that, if they have any evidence that a plane leaves any base in order to fly over Russia, they will fire on that base. I think that threat has provided a propaganda advantage which is a part of the great cost of the U–2 incident. So much for that. It is a mistake we must live with. I think it lends support to the argument I shall make, before I close, as to the importance of our trying to get our allies to join with us in some United Nations action in the great cause of trying to win the peace before it is too late.

Before I turn to the 1951 treaty and make the comments I was going to make on it, I wish to make another point as to the matter of tying in the ratification of this treaty.

The Senator from Montana [Mr. MANSFIELD] spoke about what would be the effect of a Japanese election in which the Liberal Democratic Party was thrown out, or the Liberal Democratic Party won and there were some change of attitude on the part of the winning group in regard to the treaty.

It has bothered me, Mr. President, as to whether or not we ought to ratify the treaty until after the Japanese election. I have decided to go along with ratification now, although I think a very good argument could be made for recognizing that the treaty is at least one of the major issues involved in the political struggle going on inside Japan at the present time. Undoubtedly this struggle will lead to an election, and the treaty will be a subject matter for discussion in that election.

I do not know, and I do not see how anyone can be sure, what the political effect in Japan in respect to that election will be by reason of our ratifying it in advance of the election. I am willing, however, on this occasion to take the advice of our Ambassador in Tokyo, Mr. MacArthur. I am glad there was reference made by the Senator from South Dakota [Mr. CASE] to Ambassador MacArthur. There have been writings recently that have seemed to be somewhat critical of our Ambassador, and I think this word of commendation needs to be spoken in the midst of this debate. I think Ambassador MacArthur has been doing a remarkable job in Tokyo.

I think he has been a very good "good will" Ambassador for the United States

in Tokyo. I base that upon my own observations when I was in Japan, as to the stature he has attained and the confidence the leaders of Japan have in him. I do not share some of the criticism to the effect that he should not have advised the President to come to Japan. After all, that was obviously the wish of the Japanese Government. When Ambassador MacArthur was giving that advice to our President, he was doing it upon the basis of what he believed to be good assurances that no untoward incidents which could not be controlled by the Japanese Government would occur, and his feeling that the overall good will the President would create in Tokyo would be a pretty good check on the progress which Communist propaganda seemed to be making.

It all did not work out that way, but I do not think there is any basis in fact for the criticism of the Ambassador for the course of action or the policies followed in respect to it.

Mr. President, I return to the thesis which I was discussing before I yielded to the Senator from South Dakota, the Senator from Montana and the Senator from Ohio.

I have already received permission to have printed in the RECORD the Peace Treaty of September 8, 1951, but I wish to read the first paragraph or two. Then I shall make a brief comment.

Whereas the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them;

Whereas Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-surrender Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

Whereas the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;

The Allied Powers and Japan have therefore determined to conclude the present Treaty of Peace, and have accordingly appointed the—

and so on. I cite these paragraphs because they bear on the point I made earlier in my speech that after World War II, we really functioned as the chief spokesman and negotiator for the Allied Powers. We find that also true with respect to the Security Treaty between the United States and Japan of September 8, 1951.

Mr. President, I ask unanimous consent to have the Security Treaty printed in the CONGRESSIONAL RECORD following the Treaty of Peace with Japan, at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. MORSE. All through our negotiations since World War II, Mr. President, we have been the chief spokesman for the allies and, in effect, we have been granted power of attorney by the Allied Nations in dealing with Japan.

With that as the background, I think it is all the more important that greater attention should have been paid to my point that the Allied Powers should have been specifically drawn into the matter of negotiating a new treaty with Japan and should have played a very active part.

What about the possible role of Russia? It would have been a pretty good test to see what Russia's demands would have been, or what Russia's attitude would have been, as to whether she would have been willing to cooperate at all. I happen to hold to the point of view that we ought always to keep the Soviet Union on the spot in the United Nations and before the people of the world in the matter of the course of action she is willing to follow in promoting peace. I happen to think that for propaganda purposes, for so-called psychological purposes in relation to the people in the underdeveloped areas of the world, we lost another opportunity to demonstrate again who is seeking to prevent the development of a permanent system of peace in the world.

I think it is probably true that Russia would not have gone along. If she did not, or if she took a position which was completely unacceptable, as she took at Berlin—which ought to have been considered unacceptable at the time—we would not have had to consummate any treaty with her as a party thereto. But instead of doing that, we have repeated which I think is a mistake in foreign policy. We have entered into another bilateral arrangement, and we have entered into it really, in spite of what I shall quote from the treaty in a moment, without the participation of the United Nations. I think we have to stop that course of action. I think we have to stop our bilateral pacts, because I fear that our bilateral pacts are increasing the danger of war.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I wish to finish my remarks. I have been yielding for a long time. I do not wish to wear out those Senators who are not present, who may say, "Is that fellow still talking?"

This would have been a relatively short speech if I had not yielded so much to my colleagues. I wish to finish my main speech, and then I shall be glad to yield to the Senator from Louisiana.

I think this bilateral course of action upon our part is having a tendency to speed up the nuclear armaments race. I think this is going to help speed it up. I think we need a slowdown in it. We need, as I said before, to keep ourselves so strong that Russia will not dare to attack. But we have to bring our allies into the program with us.

It is true, as the Senator from South Dakota pointed out in his colloquy—and as Senators will find stated in the committee report on page 5—that under article VII the two parties disavow any possible conflict between the terms of the treaty and the Charter of the United Nations, which they acknowledge as a higher authority. But that is only a bilateral agreement between Japan and the United States. There is no participation of the United Nations in that determination.

There is also cited the primary responsibility of the United Nations for the maintenance of international peace and security, but that does not bring the United Nations into the treaty.

All this amounts to, after all, is that Japan and the United States are bowing respectfully to the United Nations in language form. In fact, in no way is the United Nations brought into the treaty as a party.

Articles VIII and IX define the means by which the pending treaty supersedes the existing agreement.

Article X declares that the treaty shall remain in force until such time as the two parties are persuaded that the maintenance of peace and security within the Japan area is within the capability of the United Nations, and decide to terminate it.

The interesting thing is that even in language form Japan and the United States recognize the desirability to make a bow of courtesy to the United Nations.

I would have them do more than that. I would have them use the United Nations. I would at least try to make the United Nations a party to any international agreement which involves military defense, military security, or military agreement which is entered into henceforth. I happen to believe it is important that as rapidly as we can—and it will take years—we get the United Nations to supersede the nations in maintaining the security of the world.

One of the things I do not like about this treaty is that, in my judgment, it does not strengthen that approach to world peace. It is a long way away. Instead of American military power pledging itself under this treaty to maintain peace in the Pacific, we ought to move as rapidly as we can to the point that we can place in United Nations the responsibility for maintaining peace in the Pacific through United Nations forces, and not U.S. forces.

Again I say that if we do not come to that point, there will be no permanent peace. The countries which make these bilateral military pacts, of which this is one, and similar ones entered into by the Communist segment of the world, will finally engage in contests and the holocaust will be on.

This is not a new position for the Senator from Oregon. For years in the Senate I have either opposed such pacts or I have raised my voice in trying to point out the implications and the mental reservations we ought to have in regard to such pacts, as I am doing this afternoon in regard to this one.

In 1955 I fought the Formosa doctrine and the Formosa resolution, and I am glad I did so. I proposed then a United Nations trusteeship over the Formosa Straits and, because the United Nations had no police force, I included a pledge

then that the United States guarantee to the United Nations that we would defend Formosa and the Pescadores from a Communist blood bath or from any attack by the Communists. I think it is unfortunate that Formosa today is not under a United Nations trusteeship, because in my judgment Formosa today is one of the great potential threats to the peace of the world. I pray to my God that we will not have to experience that threat once Red China becomes a nuclear power.

That is why I have said so many times I think we have only about 10 years to win this peace. I think we have only about 10 years to avoid a nuclear war. I believe if this mad, immoral, nuclear armament race continues for another 10 years, the holocaust will be inevitable. That is why I prefer a United Nations treaty to a bilateral treaty this afternoon or, rather, a United Nations compact whereby the United Nations would assume the responsibility for maintaining the peace in the Pacific area.

Of course, that means we must have a program that will set up a workable arrangement whereby the United Nations will have the international police force that will make it possible to maintain the peace. It means something else, too. It means that in the 10-year period we must find, with the reasoning power that God gave man, a basis for setting up an international judicial system, the decisions of which would be enforced by the United Nations, so that we shall not be confronted with all the implications of a military pact which, no matter what one says about it, means that it carries with it the potentiality that Japan and the United States may possibly find themselves in armed combat against Red China and Red Russia in that area of Asia and the Pacific.

These are some of the reservations I thought we ought to take note of as we come to vote for the treaty this afternoon. I am going to vote for it, but I hope that within the 10-year period we shall be able to carry out the procedure that the Senator from Montana [Mr. MANSFIELD] suggested is inherent in this language, namely, that the parties themselves voluntarily agree to negotiate a new understanding. I hope that within that 10-year period we can negotiate with Japan a scrapping of this treaty along with the scrapping of other military pacts, because we will have been able to attain, through the United Nations, an agreement and the procedures to enforce such agreement that will make forever unnecessary this type of a military pact.

I go to the United Nations this fall as a delegate of the Senate in association with my dear friend from Vermont [Mr. AIKEN], and under the leadership of our Ambassador in the United Nations, Henry Cabot Lodge. If the treaty is confirmed, I shall do what I can within the framework of American policy to try to strengthen the judicial articles of the United Nations Charter to the end that in our time we can make a constructive contribution to the establishment of a system of international justice through law, for which the great Arthur Vandenberg so eloquently pleaded in the Senate in a series of historic speeches he made before his untimely death. I would call attention to his plea again this afternoon.

There is no hope for permanent peace, and in my judgment there is no hope for the survival of America, Western civilization, and Russian civilization unless the great powers of the world in the next 10 years put into force a practice and system of international justice through law, enforced not by Russia, not by the United States, not by any combination of nations working by way of military pacts outside of the United Nations, but by the United Nations through the enforcement procedures that were placed in it.

I yield the floor.

EXHIBIT 1

TREATY OF PEACE, SEPTEMBER 8, 1951 [1]

Whereas the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them;

Whereas Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-surrender Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

Whereas the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;

The Allied Powers and Japan have therefore determined to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I

Peace

Article 1

(a) The state of war between Japan and each of the Allied Powers is terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned as provided for in Article 23.

(b) The Allied Powers recognize the full sovereignty of the Japanese people over Japan and its territorial waters.

CHAPTER II

Territory

Article 2

(a) Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.

(b) Japan renounces all right, title and claim to Formosa and the Pescadores.

(c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.[2]

(d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.[3]

(e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.

(f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

Article 3

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island.[4] Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Article 4

(a) Subject to the provisions of paragraph (b) of this Article, the disposition of property of Japan and of its nationals in the areas referred to in Article 2, and their claims, including debts, against the authorities presently administering such areas and the residents (including juridical persons) thereof, and the disposition in Japan of property of such authorities and residents, and of claims, including debts, of such authorities and residents against Japan and its nationals, shall be the subject of special arrangements between Japan and such authorities. The property of any of the Allied Powers or its nationals in the areas referred to in Article 2 shall, insofar as this has not already been done, be returned by the administering authority in the condition in which it now exists. (The term nationals whenever used in the present Treaty includes juridical persons.)

(b) Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of the United States Military Government in any of the areas referred to in Articles 2 and 3.

(c) Japanese owned submarine cables connecting Japan with territory removed from Japanese control pursuant to the present Treaty shall be equally divided, Japan re-

[1] TIAS 2490; 3 UST, pt. 3, p. 3169. Ratification advised by the Senate, Mar. 20, 1952, subject to a declaration (see infra); ratified by the President, Apr. 15, 1952; entered into force, Apr. 28, 1952.

[2] Foreign Relations of the United States, 1905, pp. 824–828.

[3] TIAS 1665; 61 Stat., pt. 3, p. 3301.

[4] The United States was designated as the administering authority of all trust territories formerly administered by Japan under mandate of the League of Nations by a resolution adopted by the U.N. Security Council, Apr. 2, 1947 ("A Decade of American Foreign Policy," pp. 1031–1035). All of the territories referred to here in article 3 have remained under United States jurisdiction and outside of the U.N. trusteeship system with a view to their eventual return to Japanese sovereignty. The Amami Oshima group of the Ryukyu Islands reverted to Japanese sovereignty by the terms of a United States-Japanese agreement signed Dec. 24, 1953 (TIAS 2895; 4 UST, pt. 2, p. 2912). See infra, p. 2430.

taining the Japanese terminal and adjoining half of the cable, and the detached territory the remainder of the cable and connecting terminal facilities.

CHAPTER III

Security

Article 5

(a) Japan accepts the obligations set forth in Article 2 of the Charter of the United Nations, and in particular the obligations.

(i) to settle its international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(ii) to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Purposes of the United Nations;

(iii) to give the United Nations every assistance in any action it takes in accordance with the Charter and to refrain from giving assistance to any State against which the United Nations may take preventive or enforcement action.

(b) The Allied Powers confirm that they will be guided by the principles of Article 2 of the Charter of the United Nations in their relations with Japan.

(c) The Allied Powers for their part recognize that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations and that Japan may voluntarily enter into collective security arrangements.

Article 6

(a) All occupation forces of the Allied Powers shall be withdrawn from Japan as soon as possible after the coming into force of the present Treaty, and in any case not later than 90 days thereafter. Nothing in this provision shall, however, prevent the stationing or retention of foreign armed forces in Japanese territory under or in consequence of any bilateral or multilateral agreements which have been or may be made between one or more of the Allied Powers, on the one hand, and Japan on the other.[5]

(b) The provisions of Article 9 of the Potsdam Proclamation of July 26, 1945,[6] dealing with the return of Japanese military forces to their homes, to the extent not already completed, will be carried out.

(c) All Japanese property for which compensation has not already been paid, which was supplied for the use of the occupation forces and which remains in the possession of those forces at the time of the coming into force of the present Treaty, shall be returned to the Japanese Government within the same 90 days unless other arrangements are made by mutual agreement.

CHAPTER IV

Political and economic clauses

Article 7

(a) Each of the Allied Powers, within one year after the present Treaty has come into force between it and Japan, will notify Japan which of its prewar bilateral treaties or conventions with Japan it wishes to continue in force or revive, and any treaties or conventions so notified shall continue in force or be revived subject only to such amendments as may be necessary to ensure conformity with the present Treaty.[7] The treaties and conventions so notified shall be considered as having been continued in force or revived three months after the date of notification and shall be registered with the Secretariat of the United Nations. All such treaties and conventions as to which Japan is not so notified shall be regarded as abrogated.

(b) Any notification made under paragraph (a) of this Article may except from the operation or revival of a treaty or convention any territory for the international relations of which the notifying Power is responsible, until three months after the date on which notice is given to Japan that such exception shall cease to apply.

Article 8

(a) Japan will recognize the full force of all treaties now or hereafter concluded by the Allied Powers for terminating the state of war initiated on September 1, 1939, as well as any other arrangements by the Allied Powers for or in connection with the restoration of peace. Japan also accepts the arrangments made for terminating the former League of Nations and Permanent Court of International Justice.

(b) Japan renounces all such rights and interests as it may derive from being a signatory power of the Conventions of St. Germain-en-Laye of September 10, 1919[8] and the Straits Agreements of Montreux of July 20, 1936,[9] and from Article 16 of the Treaty of Peace with Turkey signed at Lausanne on July 24, 1923.[10]

(c) Japan renounces all rights, title and interests acquired under and is discharged from all obligations resulting from, the Agreement between Germany and the Creditor Powers of January 20, 1930, and its Annexes, including the Trust Agreement, dated May 17, 1930;[11] the Convention of January 20, 1930, respecting the Bank for International Settlements;[12] and the Statutes of the Bank for International Settlements.[13] Japan will notify to the Ministry of Foreign Affairs in Paris within six months of the first coming into force of the present Treaty its renunciation of the rights, title and interests referred to in this paragraph.

Article 9

Japan will enter promptly into negotiations with the Allied Powers so desiring for the conclusion of bilateral and multilateral agreements providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.[14]

Article 10

Japan renounces all special rights and interests in China, including all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901,[15] and all annexes, notes and documents supplementary thereto, and agrees to the abrogation in respect to Japan of the said protocol, annexes, notes and documents.

Article 11

Japan accepts the judgments of the International Military Tribunal for the Far East[16] and of other Allied War Crimes Courts both within and outside Japan, and will carry out the sentences imposed thereby upon Japanese nationals imprisoned in Japan. The power to grant clemency, to reduce sentences and to parole with respect to such prisoners may not be exercised except on the decision of the Government or Governments which imposed the sentence in each instance, and on the recommendation of Japan. In the case of persons sentenced by the International Military Tribunal for the Far East, such power may not be exercised except on the decision of a majority of the Governments represented on the Tribunal, and on the recommendation of Japan.

Article 12

(a) Japan declares its readiness promptly to enter into negotiations for the conclusion with each of the Allied Powers of treaties or agreements to place their trading, maritime and other commercial relations on a stable and friendly basis.[17]

(b) Pending the conclusion of the relevant treaty or agreement, Japan will, during a period of four years from the first coming into force of the present Treaty

(1) accord to each of the Allied Powers, its nationals, products and vessels

(i) most-favored-nation treatment with respect to customs duties, charges, restrictions and other regulations on or in connection with the importation and exportation of goods;

(ii) national treatment with respect to shipping, navigation and imported goods, and with respect to natural and juridical persons and their interests—such treatment to include all matters pertaining to the levying and collection of taxes, access to the courts, the making and performance of contracts, rights to property (tangible and intangible), participation in juridical entities constituted under Japanese law, and generally the conduct of all kinds of business and professional activities;

(2) ensure that external purchases and sales of Japanese state trading enterprises shall be based solely on commercial considerations.

(c) In respect to any matter, however, Japan shall be obliged to accord to an Allied Power national treatment, or most-favored-nation treatment, only to the extent that the Allied Power concerned accords Japan national treatment or most-favored-nation treatment, as the case may be, in respect to the same matter. The reciprocity envisaged in the foregoing sentence shall be determined, in the case of products, vessels and juridical entities of, and persons domiciled in, any non-metropolitan territory of an Allied Power, and in the case of juridical entities of, and persons domiciled in, any state or province of an Allied Power having a federal government, by reference to the treatment accorded to Japan in such territory, state or province.

(d) In the application of this Article, a discriminatory measure shall not be considered to derogate from the grant of national or most-favored-nation treatment, as the case may be, if such measure is based on an

---

[5] See the United States-Japanese Security Treaty of Sept. 8, 1951, and the attendant Administrative Agreement of Feb. 28, 1952 (infra, pp. 885–886 and 2406–2423) and the agreement respecting the status of U.N. forces in Japan, signed at Tokyo, Feb. 19, 1954 (TIAS 2995; 5 UST, pt. 2, p. 1123).

[6] "A Decade of American Foreign Policy," pp. 49–50.

[7] See the United States note to Japan, Apr. 22, 1953; Department of State Bulletin, May 18, 1953, pp. 721–722.

[8] Treaty Series 779 (46 Stat. 2199 ff.) and Treaty Series 877 (49 Stat. 3027 ff.).

[9] League of Nations Treaty Series, vol. 173, pp. 213 ff.

[10] Ibid, vol. 28, pp. 11–113.

[11] "British and Foreign State Papers," vol. 132, pp. 411 ff.

[12] Ibid, pp. 525–528.

[13] Ibid, pp. 528–538.

[14] See the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed by the United States, Canada, and Japan, May 9, 1952; TIAS 2786 (4 UST 380).

[15] Treaty Series 397. (Not reprinted in the Statutes at Large.)

[16] See "International Military Tribunal for the Far East Established at Tokyo, January 19, 1946" (Department of State publication 2765; 1947, and TIAS 1589) "Trial of Japanese War Criminals: Documents" (Department of State publication 2613; 1946).

[17] See Treaty of Friendship, Commerce, and Navigation, Protocol and Exchange of Notes of Aug. 29, 1953, United States and Japan, signed Apr. 2, 1953; TIAS 2863 (4 UST 2863).

exception customarily provided for in the commercial treaties of the party applying it, or on the need to safeguard that party's external financial position or balance of payments (except in respect to shipping and navigation), or on the need to maintain its essential security interests, and provided such measure is proportionate to the circumstances and not applied in an arbitrary or unreasonable manner.

(e) Japan's obligations under this Article shall not be affected by the exercise of any Allied rights under Article 14 of the present Treaty; nor shall the provisions of this Article be understood as limiting the undertakings assumed by Japan by virtue of Article 15 of the Treaty.

Article 13

(a) Japan will enter into negotiations with any of the Allied Powers, promptly upon the request of such Power or Powers, for the conclusion of bilateral or multilateral agreements relating to international civil air transport.

(b) Pending the conclusion of such agreement or agreements, Japan will, during a period of four years from the first coming into force of the present Treaty, extend to such Power treatment not less favorable with respect to air-traffic rights and privileges than those exercised by any such Powers at the date of such coming into force, and will accord complete equality of opportunity in respect to the operation and development of air services.

(c) Pending its becoming a party to the Convention on International Civil Aviation [18] in accordance with Article 93 thereof, Japan will give effect to the provisions of that Convention applicable to the international navigation of aircraft, and will give effect to the standards, practices and procedures adopted as annexes to the Convention in accordance with the terms of the Convention.

CHAPTER V

Claims and property

Article 14

(a) It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations.

Therefore,

1. Japan will promptly enter into negotiations with Allied Powers so desiring, whose present territories were occupied by Japanese forces and damaged by Japan, with a view to assisting to compensate those countries for the cost of repairing the damage done, by making available the services of the Japanese people in production, salvaging and other work for the Allied Powers in question. Such arrangements shall avoid the imposition of additional liabilities on other Allied Powers, and, where the manufacturing of raw materials is called for, they shall be supplied by the Allied Powers in question, so as not to throw any foreign exchange burden upon Japan.

2. (I) Subject to the provisions of subparagraph (II) below, each of the Allied Powers shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of

(a) Japan and Japanese nationals,

(b) persons acting for or on behalf of Japan or Japanese nationals, and

(c) entities owned or controlled by Japan or Japanese nationals,

which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this subparagraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which belonged to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

(II) The following shall be excepted from the right specified in sub-paragraph (I) above:

(i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and not released from such restrictions as of the date of the first coming into force of the present Treaty:

(ii) all real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;

(iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;

(iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to September 2, 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;

(v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in subparagraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a basis as favorable to Japan as circumstances ruling in each country will permit.

(b) Except as otherwise provided in the present treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation.

Article 15

(a) Upon application made within nine months of the coming into force of the present Treaty between Japan and the Allied Power concerned, Japan will, within six months of the date of such application, return the property, tangible and intangible, and all rights or interests of any kind in Japan of each Allied Power and its nationals which was within Japan at any time between December 7, 1941, and September 2, 1945, unless the owner has freely disposed thereof without duress or fraud. Such property shall be returned free of all encumbrances and charges to which it may have become subject because of the war, and without any charges for its return. Property whose return is not applied for by or on behalf of the owner or by his Government within the prescribed period may be disposed of by the Japanese Government as it may determine. In cases where such property was within Japan on December 7, 1941, and cannot be returned or has suffered injury or damage as a result of the war, compensation will be made on terms not less favorable than the terms provided in the draft Allied Powers Property Compensation Law approved by the Japanese Cabinet on July 13, 1951.[19]

(b) With respect to industrial property rights impaired during the war, Japan will continue to accord to the Allied Powers and their nationals benefits no less than those heretofore accorded by Cabinet Orders No. 309 effective September 1, 1949, No. 12 effective January 28, 1950, and No. 9 effective February 1, 1950,[20] all as now amended, provided such nationals have applied for such benefits within the time limits prescribed therein.

(c) (i) Japan acknowledges that the literary and artistic property rights which existed in Japan on December 6, 1941, in respect to the published and unpublished works of the Allied Powers and their nationals have continued in force since that date, and recognizes those rights which have arisen, or but for the war would have arisen, in Japan since that date, by the operation of any conventions and agreements to which Japan was a party on that date, irrespective of whether or not such conventions or agreements were abrogated or suspended upon or since the outbreak of war by the domestic law of Japan or of the Allied Power concerned.

(ii) Without the need for application by the proprietor of the right and without the payment of any fee or compliance with any other formality, the period from December 7, 1941, until the coming into force of the present Treaty between Japan and the Allied Power concerned shall be excluded from the running of the normal term of such rights; and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.

Article 16

As an expression of its desire to indemnify those members of the armed forces of the Allied Powers who suffered undue hardships while prisoners of war of Japan, Japan will transfer its assets and those of its nationals in countries which were neutral during the war, or which were at war with any of the Allied Powers, or, at its option, the equivalent of such assets, to the International Committee of the Red Cross which shall liquidate such assets and distribute the resultant fund to appropriate national agencies, for the benefit of former prisoners of war and their families on such basis as it may determine to be equitable. The categories of assets described in Article 14(a)2(II) (ii) through (v) of the present Treaty shall be excepted from transfer, as well as assets of Japanese natural persons not residents of Japan on the first coming into force of the Treaty. It is equally understood that the transfer provision of this Article has no application to

[18] Convention of Dec. 7, 1944 (TIAS 1591; 61 Stat., pt. 2, p. 1180). (Excerpts in "A Decade of American Foreign Policy," pp. 311–318.)

[19] Text in the Department of State Bulletin, Sept. 10, 1951, pp. 429–432.

[20] See the "Third Report on the Activities of the Far Eastern Commission, December 24, 1948–June 30, 1950"; ibid., Aug. 21, 1950, pp. 288–293.

the 19,770 shares in the Bank for International Settlements presently owned by Japanese financial institutions.

Article 17

(a) Upon the request of any of the Allied Powers, the Japanese Government shall review and revise in conformity with international law any decision or order of the Japanese Prize Courts in cases involving ownership rights of nationals of that Allied Power and shall supply copies of all documents comprising the records of these cases, including the decisions taken and orders issued. In any case in which such review or revision shows that restoration is due, the provisions of Article 15 shall apply to the property concerned.

(b) The Japanese Government shall take the necessary measures to enable nationals of any of the Allied Powers at any time within one year from the coming into force of the present Treaty between Japan and the Allied Power concerned to submit to the appropriate Japanese authorities for review any judgment given by a Japanese court between December 7, 1941, and such coming into force, in any proceedings in which any such national was unable to make adequate presentation of his case either as plaintiff or defendant. The Japanese Government shall provide that, where the national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances.

Article 18

(a) It is recognized that the intervention of the state of war has not affected the obligation to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed and rights which were acquired before the existence of a state of war, and which are due by the Government or nationals of Japan to the Government or nationals of one of the Allied Powers, or are due by the Government or nationals of one of the Allied Powers to the Government or nationals of Japan. The intervention of a state of war shall equally not be regarded as affecting the obligation to consider on their merits claims for loss or damage to property or for personal injury or death which arose before the existence of a state of war, and which may be presented or re-presented by the Government of one of the Allied Powers to the Government of Japan, or by the Government of Japan to any of the Governments of the Allied Powers. The provisions of this paragraph are without prejudice to the rights conferred by Article 14.

(b) Japan affirms its liability for the prewar external debt of the Japanese State and for debts of corporate bodies subsequently declared to be liabilities of the Japanese State, and expresses its intention to enter into negotiations at an early date with its creditors with respect to the resumption of payments on those debts; to encourage negotiations in respect to other prewar claims and obligations; and to facilitate the transfer of sums accordingly.

Article 19

(a) Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty.

(b) The foregoing waiver includes any claims arising out of actions taken by any of the Allied Powers with respect to Japanese ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers, but does not include Japanese claims specifically recognized in the laws of any Allied Power enacted since September 2, 1945.

(c) Subject to reciprocal renunciation, the Japanese Government also renounces all claims (including debts) against Germany and German nationals on behalf of the Japanese Government and Japanese nationals, including intergovernmental claims and claims for loss or damage sustained during the war, but excepting (a) claims in respect of contracts entered into and rights acquired before September 1, 1939, and (b) claims arising out of trade and financial relations between Japan and Germany after September 2, 1945. Such renunciation shall not prejudice actions taken in accordance with Articles 16 and 20 of the present Treaty.

(d) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time, and will take no action subjecting Allied nationals to civil or criminal liability arising out of such acts or omissions.

Article 20

Japan will take all necessary measures to ensure such disposition of German assets in Japan as has been or may be determined by those powers entitled under the Protocol of the proceedings of the Berlin Conference of 1945 [21] to dispose of those assets, and pending the final disposition of such assets will be responsible for the conservation and administration thereof.

Article 21

Notwithstanding the provisions of Article 25 of the present Treaty, China shall be entitled to the benefits of Articles 10 and 14 (a) 2; and Korea to the benefits of Articles 2, 4, 9 and 12 of the present Treaty.

CHAPTER VI

Settlement of disputes

Article 22

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by reference to a special claims tribunal or by other agreed means, the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice. Japan and those Allied Powers which are not already parties to the Statute of the International Court of Justice [22] will deposit with the Registrar of the Court, at the time of their respective ratifications of the present Treaty, and in conformity with the resolution of the United Nations Security Council, dated October 15, 1946,[23] a general declaration accepting the jurisdiction, without special agreement, of the Court generally in respect to all disputes of the character referred to in this Article.[24]

CHAPTER VII

Final clauses

Article 23

(a) The present Treaty shall be ratified by the States which sign it, including Japan, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Japan and by a majority, including the United States of America as the principal occupying Power, of the following States, namely Australia, Canada, Ceylon, France, Indonesia, the Kingdom of the Netherlands, New Zealand, Pakistan, the Republic of the Philippines, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.[25] The present Treaty shall come into force for each State which subsequently ratifies it, on the date of the deposit of its instrument of ratification.[26]

(b) If the Treaty has not come into force within nine months after the date of the deposit of Japan's ratification, any State which has ratified it may bring the Treaty into force between itself and Japan by a notification to that effect given to the Governments of Japan and the United States of America not later than three years after the date of deposit of Japan's ratification.

Article 24

All instruments of ratification shall be deposited with the Government of the United States of America which will notify all the signatory States of each such deposit, of the date of the coming into force of the Treaty under paragraph (a) of Article 23, and of any notifications made under paragraph (b) of Article 23.

Article 25

For the purposes of the present Treaty the Allied Powers shall be the States at war with Japan, or any State which previously formed a part of the territory of a State named in Article 23, provided that in each case the State concerned has signed and ratified the Treaty.[27] Subject to the provisions of Article 21, the present Treaty shall not confer any rights, titles or benefits on any State which is not an Allied Power as herein defined; nor shall any right, title or interest of Japan be deemed to be diminished or prejudiced by any provision of the Treaty in favor of a State which is not an Allied Power as so defined.

Article 26

Japan will be prepared to conclude with any State which signed or adhered to the United Nations Declaration of January 1, 1942,[28] and which is at war with Japan, or with any State which previously formed a part of the territory of a State named in Article 23, which is not a signatory of the present Treaty, a bilateral Treaty of Peace on

---

[21] *A Decade of American Foreign Policy*, pp. 34–50.

[22] "A Decade of American Foreign Policy," pp. 140–155.

[23] U.N. doc. S/INF/2, July 18, 1949, p. 35.

[24] See the declaration of Nov. 24, 1951, by the Japanese Foreign Minister; International Court of Justice Yearbook, 1951–1952, p. 213.

[25] The treaty entered into force Apr. 28, 1952, following the deposits of instruments of ratification by Japan (Nov. 28, 1951), the United Kingdom (Jan. 3, 1952), Mexico (Mar. 3, 1952), Argentina (Apr. 9, 1952), Australia and New Zealand (Apr. 10, 1952), Canada and Pakistan (Apr. 17, 1952), France (Apr. 18, 1952), and the United States (Apr. 28, 1952).

[26] The treaty was subsequently ratified and automatically entered into force with respect to Ceylon (Apr. 28, 1952), El Salvador (May 6, 1952), Brazil (May 20, 1952), Cambodia (June 2, 1952), the Dominican Republic (June 6, 1952), Ethiopia (June 12, 1952), the Netherlands and Peru (June 17, 1952), Viet-Nam (June 18, 1952), Norway (June 19, 1952), Laos and Venezuela (June 20, 1952), Turkey (July 24, 1952), Cuba (Aug. 12, 1952), Belgium (Aug. 22, 1952), Union of South Africa (Sept. 10, 1952), Costa Rica (Sept. 17, 1952), Nicaragua (Nov. 4, 1952), Uruguay (Dec. 2, 1952), Liberia and Syria (Dec. 29, 1952), Egypt (Dec. 30, 1952), Paraguay (Jan. 15, 1953), Panama (Apr. 10, 1953), Haiti (May 1, 1953), Greece (May 19, 1953), Honduras (Sept. 4, 1953), Lebanon (Jan. 7, 1954), Saudi Arabia (Mar. 13, 1954), Chile (Apr. 28, 1954), Guatemala (Sept. 23, 1954), Iraq (Aug. 18, 1955), Ecuador (Dec. 27, 1955), the Philippine Republic (July 23, 1956), and Iran (Aug. 29, 1956).

[27] The lists of these states in either category correspond to the lists set forth in the two preceding footnotes.

[28] "A Decade of American Foreign Policy," pp. 2–3.

the same or substantially the same terms as are provided for in the present Treaty,[29] but this obligation on the part of Japan will expire three years after the first coming into force of the present Treaty.[30] Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

Article 27

The present Treaty shall be deposited in the archives of the Government of the United States of America which shall furnish each signatory State with a certified copy thereof.

In faith whereof the undersigned Plenipotentiaries have signed the present Treaty.

Done at the city of San Francisco this eighth day of September 1951, in the English, French, and Spanish languages, all being equally authentic, and in the Japanese language.

[The treaty was signed by the plenipotentiaries of the following states in the following order: Argentina, Australia, Belgium, Bolivia, Brazil, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Indonesia, Iran, Iraq, Laos, Lebanon, Liberia, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, the Philippine Republic, Saudi Arabia, Syria, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, Venezuela, Vietnam, and Japan.]

Exhibit 2

Security Treaty Between the United States and Japan

Text of Treaty, September 8, 1951[1]

Japan has this day signed a Treaty of Peace with the Allied Powers.[2] On the coming into force of that Treaty, Japan will not have the effective means to exercise its inherent right of self-defense because it has been disarmed.

There is danger to Japan in this situation because irresponsible militarism has not yet been driven from the world. Therefore Japan desires a Security Treaty with the United States of America to come into force simultaneously with the Treaty of Peace between the United States of America and Japan.

The Treaty of Peace recognizes that Japan as a sovereign nation has the right to enter into collective security arrangements, and further, the Charter of the United Nations recognizes that all nations possess an inherent right of individual and collective self-defense.

In exercise of these rights, Japan desires, as a provisional arrangement for its defense, that the United States of America should maintain armed forces of its own in and about Japan so as to deter armed attack upon Japan.

The United States of America, in the interest of peace and security, is presently willing to maintain certain of its armed forces in and about Japan, in the expectation, however, that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the United Nations Charter.

Accordingly, the two countries have agreed as follows:

ARTICLE I

Japan grants, and the United States of America accepts, the right, upon the coming into force of the Treaty of Peace and of this Treaty, to dispose United States land, air and sea forces in and about Japan. Such forces may be utilized to contribute to the maintenance of international peace and security in the Far East and to the security of Japan against armed attack from without, including assistance given at the express request of the Japanese Government to put down large-scale internal riots and disturbances in Japan, caused through instigation or intervention by an outside power or powers.

ARTICLE II

During the exercise of the right referred to in Article I, Japan will not grant, without the prior consent of the United States of America, any bases or any rights, powers or authority whatsoever, in or relating to bases or the right of garrison or of maneuver, or transit of ground, air or naval forces to any third power.

ARTICLE III

The conditions which shall govern the disposition of armed forces of the United States of America in and about Japan shall be determined by administrative agreements between the two Governments.[3]

ARTICLE IV

This Treaty shall expire whenever in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements or such alternative individual or collective security dispositions as will satisfactorily provide for the maintenance by the United Nations or otherwise of international peace and security in the Japan Area.

ARTICLE V

This Treaty shall be ratified by the United States of America and Japan and will come into force when instruments of ratification thereof have been exchanged by them at Washington.[4]

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

Done in duplicate at the city of San Francisco, in the English and Japanese languages, this eighth day of September, 1951.

Mr. CASE of South Dakota. Mr. President, I rise to express my appreciation to the Senator from Oregon for yielding to me earlier this afternoon. He was generous to do so. May I add that I was delighted when I read a few days ago that President Eisenhower had designated the able Senator from Oregon, along with the great Senator from Vermont [Mr. AIKEN] to serve as advisors to our Ambassador, at the forthcoming Assembly of the United Nations. This will be one of the most important sessions in the history of the Assembly. The Senator from Oregon is well qualified to make there an outstanding contribution to the development of a system of order for the nations of the world. His knowledge of law and procedure may easily combine to make his contribution the greatest public service of his career.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT AND LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberation today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. JOHNSON of Texas. It is expected that the Senate will remain in session until late this evening. I would like to finish consideration of the treaty and get along in the consideration of the General Government and Independent Offices appropriation bills.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 762. An act for the relief of Manuel Alves de Carvalho;

S. 2089. An act for the relief of Henry K. Lee (Hyun Kui);

S. 2106. An act for the relief of Emiko Nagamine;

S. 2528. An act for the relief of John Lipset;

S 2639. An act for the relief of Mo Tong Lui;

S. 2646. An act for the relief of Lloyd C. Kimm;

S. 2681. An act for the relief of Yi Young An;

S. 2768. An act for the relief of Frederick T. C. Yu and his wife, Alice Siao-Fen Chen Yu;

S. 2822. An act for the relief of Low Wing Quey (Kwai);

S. 2886. An act for the relief of Nikolija Lazic;

S. 2918. An act for the relief of Boris Priestley;

S. 2942. An act for the relief of Eugene Storme;

S. 2964. An act for the relief of Kang Sun Ok;

S. 2991. An act for the relief of Ah See Lee Chin;

S. 3016. An act for the relief of Walter F. Beecroft;

S. 3038. An act for the relief of Jung Hi Pak;

---

[29] Bilateral treaties of peace were subsequently negotiated and signed by Japan with the National Government of China at Taipei, Apr. 28, 1952 (United Nations Treaty Series, vol. 138, pp. 3 ff.), with India at Tokyo, June 9, 1952 (not yet registered with the U.N. Secretariat), and with Burma at Rangoon, Nov. 5, 1954 (not yet registered with the U.N. Secretariat). Outside the time limits set forth in this article Japan and the U.S.S.R. signed a joint "peace declaration" at Moscow, Oct. 19, 1956.

[30] I.e., Apr. 28, 1955.

[1] TIAS 2491; 3 UST 3329–3340. Ratification advised by the Senate, Mar. 20, 1952; ratified by the President, Apr. 15, 1952; entered into force, Apr. 28, 1952.

[2] Supra, pp. 425–440.

[3] See infra, pp. 2406–2423.

[4] Instruments of ratification were exchanged Apr. 28, 1952.

S. 3049. An act for the relief of Oh Chun Soon;

S. 3091. An act for the relief of Pasquale Mira;

S. 3130. An act for the relief of Anne-Marie Stehlin; and

S. 3235. An act for the relief of Cecilia Rubio.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 6081. An act for the relief of M. Sgt. Emery C. Jones; and

H.R. 9443. An act for the relief of Mrs. Ethel B. Morgan.

The message further announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 688) for the relief of certain aliens.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7634) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DAVIS of Tennessee, Mr. BLATNIK, Mr. JONES of Alabama, Mr. BALDWIN, and Mr. CRAMER were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11390) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FOGARTY, Mr. DENTON, Mr. CANNON, Mr. LAIRD, and Mr. TABER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12381) to increase for 1-year period the public debt limit set forth in section 21 of the Second Liberty Bond Act and to extend for 1 year the existing corporate normal-tax rate and certain excise-tax rates; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. O'BRIEN of Illinois, Mr. MASON, Mr. BYRNES of Wisconsin, and Mr. BAKER were appointed managers on the part of the House at the conference.

REVIEW OF VETERANS' AFFAIRS

Mr. JAVITS. Mr. President. The senior Senator from New Hampshire [Mr. BRIDGES] has compiled an excellent review of veterans' affairs since 1953 under the Republican administration. It points up the major accomplishments in the affairs of those who have served our country in uniform.

In these days, when we are particularly concerned with the defense of our Nation, it is well to reflect on what is being done in behalf of the men and women who have so nobly responded to defend our freedom in the past. As in the other, in this body we have always been aware of our responsibilities in the affairs of our veterans, and the report of the Senator from New Hampshire is most gratifying.

Mr. President, I ask unanimous consent that this report be printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE STEWARDSHIP OF VETERANS AFFAIRS UNDER THE REPUBLICAN ADMINISTRATION, 1953–60

(By U.S. Senator STYLES BRIDGES, of New Hampshire, chairman, Senate Republican policy committee)

Under the leadership of the Nation's best loved and most respected wartime military commander the Republican administration has, since 1953, substantially advanced the affairs of those who have defended the Republic and its flag against aggressors who have sought to deprive men of freedom and the world of peace.

The Republican Party, since its founding a little more than a hundred years ago, has traditionally respected the Nation's responsibility, as George Washington said, "to care for him who shall have borne the battle and his widow, and his orphan." The Republican administration has enhanced its already splendid record in the field of veterans' affairs by a number of major accomplishments as follows:

COMPENSATION AND PENSIONS

1. Compensation for the wartime disabled was increased twice, once in 1954 and again in 1957.

2. Legislation was enacted in 1959 which provides more equitable treatment of needy veterans and modernized the veterans' pension program. This legislation also provides pension benefits to widows of World War II and the Korean conflict on the same basis as those for widows of World War I veterans.

MEDICAL BENEFITS

1. Thirteen new veterans' hospitals have been opened and there has been a substantial increase in the number of hospital beds in operation and the average number of patients treated in VA hospitals throughout the year.

2. A $900 million program has been developed and approved to modernize the veterans hospital system. The first $75 million increment of this 12-year program was included in the 1961 budget.

3. A new Presidential policy was established which authorizes the continued operation of 125,000 beds in the VA hospital system and gives the Administrator of Veterans' Affairs the authority to shift and adjust the number and type of beds from one area to another to coincide with population movements and the changing diagnostic demands for hospitalization.

4. The medical research program of the VA has been broadened and strengthened, thus enhancing the quality of medical care for veterans and contributing generally to the health and welfare of the Nation.

EDUCATION AND TRAINING

1. Legislation was enacted in 1956 to provide educational assistance to orphans of war veterans. Since then a total of 19,000 war orphans have received benefits under this act.

2. Two million eight hundred and eighty thousand veterans have received training under VA education and training programs since 1953.

3. One hundred and five thousand disabled veterans have received vocational rehabilitation training benefits since 1953.

HOME LOANS

1. Between 1953 and 1960, a total of 2,639,140 loans to veterans were guaranteed or insured by the VA.

INSURANCE

1. New benefits have been provided for the GI insurance policyholder, including additional disability insurance, additional conversion rights and liberalized standards for reinstatements.

2. A new investment formula for insurance trust funds allows the investment of these funds at higher rates of interest. Increased earnings will mean increased dividends to policyholders.

MANAGEMENT

1. The VA went through a major reorganization which resulted in economies and improved service to veterans.

2. Modern electronic machines have been installed for the insurance operations and to process the compensation and pension payments. This will result in improved efficiency and economy.

3. The personnel program has been strengthened, resulting in improved morale and efficiency of employees.

4. The stature of the Administrator of Veterans' Affairs has been heightened by having him serve more directly as the adviser to the President in veterans' matters. This includes attendance at Cabinet meetings when matters under discussion involve the VA.

5. The public image of the VA has been improved vastly through sound personnel and management practices.

FIGURES SHOW SCOPE OF ACTIVITIES UNDER REPUBLICANS

Summary statistics give a picture of the scope and growth of veterans' benefits from 1954 to 1961 as follows:

	Fiscal year 1954	Fiseal year 1961	Increase
Total VA budget	$4,282,591,740	$5,397,291,000	$1,114,719,260
Compensation payments	$1,730,915,000	$2,066,288,000	$335,873,000
Pension payments	$715,635,000	$1,715,807,000	$1,000,172,000
Regular insurance dividends	$182,300,000	$250,000,000	$67,700,000
VA hospital beds in operation	114,244	121,456	7,212
Average daily patients in VA hospitals	103,491	111,600	8,109
Outpatients visiting	2,152,000	2,279,600	127,600
	June 30, 1954	Estimated, June 30, 1961	Increase
Principal value of loans guaranteed:			
Cumulative	$23,948,000,000	$51,640,000,000	$27,692,000,000
Outstanding	17,580,000,000	32,350,000,000	14,970,000,000
Direct loans:			
Cumulative	346,000,000	1,525,000,000	1,179,000,000
Outstanding	298,000,000	1,200,000,000	902,000,000

TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

The Senate resumed the consideration of Executive E (86th Cong., 2d sess.), the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington on January 19, 1960.

Mr. HICKENLOOPER. Mr. President, at the outset of the few remarks which I have to make I wish to assure my friends who are rather anxious about the time, that my remarks will take about 10 minutes.

I congratulate the Senator from Arkansas, the distinguished chairman of the Committee on Foreign Relations [Mr. FULBRIGHT], for his very forceful and lucid discussion of the treaty and for the clarity with which he engaged in the colloquies with Senators who had some questions about the meaning and the impact of the various terms of the treaty. He has worked very diligently as chairman of the committee to bring about a full appreciation of the significance of the treaty. Those of us who have worked with him are very grateful indeed for his services and his efforts.

Mr. President, behind all the tension in Japan that the treaty before the Senate has caused, and the thousands of words which have been written about it, there stands a single fact of overriding importance. It is that the treaty is beneficial to both Japan and the United States. For that reason I fully commend it to my colleagues in the Senate.

For the Japanese this treaty signals the end of an arrangement in which the Japanese may have appeared—to themselves at least—as the junior partner of the United States in a relationship which has been regarded by both governments as essential to the security of each nation.

In addition, the present treaty between the United States and Japan, while undoubtedly a most liberal and generous treaty, so far as a defeated nation which unconditionally surrendered is concerned, was one between victor and vanquished.

This no doubt has caused some understandable irritation in Japan, and has stimulated a strong desire there for a treaty made in a new climate of equal sovereignty. Japan, through its remarkable economic and social rehabilitation, has certainly earned this consideration.

The pending treaty has been approached and signed on that basis.

Mr. President, after 10 years the new treaty may be terminated by either party on 1 year's notice to the other. The old treaty, lacking any time limit, could continue indefinitely, with the maturing friendly relationships between the two countries still in need of an adjustment.

Perhaps most important, under the new treaty, the United States gives up the unilateral right to use Japanese bases as staging areas for military operations without the consent of the Japanese. An exchange of notes to the new treaty provides that prior consultation between the two governments is a necessary precondition to military activities of the kind that might cause concern in Japan. I urge my colleagues to study this exchange of notes carefully. My regret is that they have been so inadequately reported in Japan, where the opponents of this treaty—many of them well meaning, as the Senator from Arkansas [Mr. FULBRIGHT] has suggested—either do not understand or do not choose to acknowledge the distinction between absolute American military rights and the old treaty and rights to be maintained by mutual consent under the new treaty.

For the United States the new treaty assures continued use of military bases and other facilities in the Japanese islands based on consultation. The agreement covering the use of these facilities is elaborated and detailed in an administrative agreement which in my judgment is comprehensive and equitable.

I believe, as well, that the United States can take rare satisfaction in the knowledge that a nation from which it received unconditional surrender only 15 years ago has in this short space of time restored itself to full sovereignty, maturity, and sympathetic orientation within the other great democracies of the world.

Mr. President, I use the word "maturity" advisedly, because the emotional immaturity which is characterized by a small but militant minority in many of the events attendant on the ratification of the treaty in Japan is not a fair reflection of the Japanese people as a whole.

Based on the informed observations and judgment of people with experience in Japan, I believe that the opposition to the pending treaty represents an uneasy minority coalition of elements which, taken altogether, does not represent the calm attitude of the great majority of the Japanese people.

The decibel level of these elements is high, but the level of their political responsibility is regrettably low. And, most regrettable, this minority has allowed itself to be transformed by a small, disciplined Communist nucleus into a force that could conceivably destroy Japan's free, parliamentary political institutions.

Mr. President, I do not believe that will happen. I believe that if and when the Kishi government is replaced, at some time in the future, it no doubt will be replaced by a regime whose orientation is essentially that of his or other recent Japanese Governments. Yet I think we should be alert to the danger posed by this destructive minority in Japan. In the Senate I urge the speedy ratification of the new treaty. It will strengthen the hand of the mature, responsible leaders of Japan. It will reassure the masses of pro-Western Japanese whose views have not been so vocal but which are nonetheless of the greatest importance to the future of the great Japanese Empire.

Mr. President, I should like to bring out one or two other matters in reference to the rather short, formal statement which I have made concerning the treaty.

One is the question which has been raised by Senators on the floor today about the advantages or disadvantages of the ratification of the treaty. There seems to be substantial agreement that the treaty will be advantageous to Japan; and, indeed, it will. I have tried to point out briefly, as did the Chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], that the treaty constitutes the complete maturity of Japan following World War II, a maturity among the free nations of the world, in which they have negotiated on a voluntary basis, a basis of freedom, and on a basis which they sought and received.

Japan has the advantage of the elimination of a treaty, regardless of how generous it might have been, which was, as I said a moment ago, a treaty of the victor over the vanquished. That treaty has been eliminated. The right of Japan to act within its own sphere and its own sovereignty has been completely restored. The treaty is advantageous to Japan.

However, a question has been raised concerning the advantages of the treaty to the United States. I think the treaty is very advantageous to the United States. Senators have raised here today, and in the hearings, the point that while we agree to come to the defense of Japan in the event she is attacked, Japan does not agree to come to our defense in case we are attacked on some of our territories outside the Japanese area.

I again point out, as has been pointed out repeatedly, that there is an absolute prohibition in the Japanese Constitution against the development of military forces for either offensive or defensive purposes. It is a provision which is probably as restrictive as any provision which has ever been written into a constitution on that subject, and probably is the most restrictive. Nevertheless, the Japanese, in my opinion, have exhibited every possible resource, within the legal limitations which were imposed upon them by the Constitution which they adopted immediately following World War II, to align themselves with us and to exert their fullest cooperation from the standpoint of mutual security and freedom in the world.

Mr. LONG of Louisiana. Mr. President, will the Senator from Iowa yield?

Mr. HICKENLOOPER. I yield.

Mr. LONG of Louisiana. Recognizing that Japan is bound by the folly of American policy in imposing the conditions to which the Senator refers, why should we undertake to give a commitment that we will go to war to defend Japan, in view of the fact that Japan can make no reciprocal commitment?

Mr. HICKENLOOPER. There is one completely ample reason for that position, and it is that if Japan is attacked by superior force in the Pacific, the island periphery of Asia will be endangered; our whole position in the Pacific will be endangered, as the Senator from Ohio [Mr. LAUSCHE] pointed out earlier in a colloquy with the chairman of the committee; the bastion of American defense would rapidly recede to the State of Hawaii, if not to the west coast of the

United States; and the Philippines would be gone and the rest of that area would be gone.

Mr. LONG of Louisiana. The point which concerns me is that we give so much free to those to whom we are making the commitment. Turkey wanted an arrangement with the United States. She wanted a United States-Turkish pact whereby Turkey would assist us, and we would assist Turkey, in the event either country was compelled to go to war with the Soviet Union. Turkey made every effort to get the United States to agree to such an arrangement, and the effort resulted in Turkey being admitted to the North Atlantic Treaty Organization.

But how can we expect to get other nations to agree to a reciprocal arrangement if they can get an arrangement which will require us to help them without their helping us?

Mr. HICKENLOOPER. Japan is doing much in this respect. Japan is permitting us to maintain and operate bases in Japan. We are permitted to locate our troops, supplies, and logistics center in Japan. Japan is permitting us to maintain that great center in the island complex.

Mr. LONG of Louisiana. Do we not have that right already?

Mr. HICKENLOOPER. We have that right under this treaty.

Mr. LONG of Louisiana. How about the old one?

Mr. HICKENLOOPER. Under the treaty that now exists?

Mr. LONG of Louisiana. Yes.

Mr. HICKENLOOPER. The old treaty, as I tried to point out a while ago, was a treaty inflicted, we might say—I do not think that is the proper word, because it is too harsh; the treaty was liberal—it is a treaty which the Japanese were required, as a vanquished people, to accept from the victor. It was a treaty that was obtained under the duress of an unconditional surrender on the part of Japan.

The Japanese people, after 15 years of substantial and remarkable economic and political recovery, and after considerable proof during the last 15 years that they are oriented toward the West and oriented toward freedom and democracy and self-determination, are now entitled to the dignity of having the old treaty set aside and the new treaty adopted, a treaty based upon mutual consent, and their own sovereignty as a sovereign nation. This, I think, is very important.

Mr. LONG of Louisiana. If the Senator will permit me to suggest it, in dealing with a nation which is spending only a pittance for its own national defense, I question whether the army of that nation can control the Communist mobs which are rioting there today. In dealing with such a nation as that, which is doing so little to provide for its own defense, it seems to me it would be better if it did not feel that it could rely entirely upon the United States to provide adequately for the defense of Japan.

Mr. HICKENLOOPER. I point out again the provision of the Japanese Constitution which denies to Japan the right not only to have military forces for offensive purposes, but the right to have military forces for defensive forces, but only for police action. The Japanese have stretched that constitution far out.

Mr. LONG of Louisiana. If the Constitution of the United States had such a provision, I should think anybody would be foolhardy to agree to go to war to defend the United States, when we had written it into our Constitution that we could not, under any circumstances, assist a nation which would fight for us, in the event it was compelled to fight in its own defense. Does the Senator think that was a wise provision to put in the Constitution of Japan, looking at the situation with hindsight?

Mr. HICKENLOOPER. Does the Senator mean the provision which was put into the Constitution?

Mr. LONG of Louisiana. Yes.

Mr. HICKENLOOPER. No, I do not think it was wise to include that in it. But several things which were done in Japan at that time were not wise, in my opinion—and several things which were done in other parts of the world at that time were not wise, in my opinion.

But now we are facing a fact, not a theory.

I should like to ask the Senator a question in regard to our signing the treaty or getting into this so-called defensive alliance: Is the Senator from Louisiana of the opinion that if a superior, major power in the Orient—let us say Russia—today were to attack Japan, even in the absence of a treaty, we would not be in that conflict? Even in the absence of a treaty, would not our own security and best interests demand that we look to the integrity of Japan and the Philippines and Formosa and Korea?

Mr. LONG of Louisiana. It would be my reaction that in view of the small effort that our so-called allies are making—and we have many who are genuine allies—as compared to the tremendous effort the United States is making, they would be doing more for their own defense and for the defense of the free world if they did not have the assurance that the United States would go to war, in an effort to save any and all of them.

Each of them has a piecemeal commitment from us, although few of them is required to go to war in the event we have to go to war in order to fulfill our commitments elsewhere—with the result that we can be sure that if war were to break out, the Soviet Union would not begin the war by attacking Japan. Treaties of this sort are giving us a rock-ribbed guarantee that if war comes, it will come first to us, and by surprise, and that will bring us surprise attack casualties numbering to the tens of millions, because we never would receive any advance notice or warning of the war.

The United States would be attacked first, and without warning, because, by means of these commitments the United States is making it impossible for any nation to go to war with another nation, without making war on us, also.

Mr. HICKENLOOPER. But the treaty provides great benefits both to Japan and to the United States, and we shall derive great benefits from the treaty. Even if we assume that at long last, perhaps after 15 years, we would wish to set aside the war-enforced treaty with Japan, the great benefits will come to us, in the main, as a result of the bases we shall maintain in Japan and as a result of the cooperative efforts the Japanese will be making to assist us in the maintenance of those bases and in the maintenance of that strength in the Far East. That is a very great contribution. If we did not have those bases, where would we go? Would we perhaps go to Okinawa?

Mr. LONG of Louisiana. Let me ask this question: If in a few years the Russians had developed their atomic power and other power sufficiently to be in a position to be able to knock us out, by means of a surprise attack, does the Senator from Iowa believe we should be in a position to strike back at the Soviet Union from those bases in Japan, if those bases and a few planes in England would then be about all we had to strike back with?

Mr. HICKENLOOPER. In my judgment, if the situation reached that point, there would be no question but that the Japanese would be in the conflict, in one way or another.

Mr. LONG of Louisiana. Even under a neutralist government?

Mr. HICKENLOOPER. Of course I cannot look into a crystal ball and say what will be the complexion of the Government of Japan in 10 years.

I can only believe that in 10 years an enlightened self-interest would compel Japan to enter such a war, because Japan would have no other course, except slavery.

Mr. LONG of Louisiana. But would not it be better for us to have the right to make that decision alone, rather than to have to make it in part with Japan—because in view of the present commitments we have with so many other countries in the world, any nation which wished to make such an attack on Japan would strike first at the United States.

Mr. HICKENLOOPER. Does the Senator advocate that we abandon all our bases in Japan?

Mr. LONG of Louisiana. No; because we have rights there—rights obtained by conquest.

Mr. HICKENLOOPER. It is true that they are rights by conquest. But there comes a time when rights by conquest should disappear, in the interest of better international relationships. That is what we are trying to do now—in other words, set aside the old peace treaty which was obtained by the victor from the vanquished and was imposed by right of conquest. Regardless of whether that treaty was liberal or was not liberal at that time the Japanese had to accept it; they had no other choice.

Today we hope to set aside that treaty, and to deal with the Japanese on the basis of sovereign equality, and I think, thus greatly strengthen the feeling of the Japanese in regard to their equality in the family of nations; and I believe it will greatly promote the common strength and the common purpose of our two nations in the Pacific.

Mr. LONG of Louisiana. Can the Senator from Iowa tell me what nation ever made a treaty to go to war to defend the United States, without having a reciprocal commitment that the United States would respond likewise in the event that nation was attacked?

Mr. HICKENLOOPER. I cannot say there has been none, but at the moment I know of none.

Mr. LAUSCHE. Mr. President, will the Senator from Iowa yield to me?

Mr. HICKENLOOPER. I yield.

Mr. LAUSCHE. Let me say that I think the attitude of the people of the United States in regard to the treatment the Communists are giving the captive nations should likewise be the attitude of the United States in regard to the treatment we should give to the Japanese. The Congress passed the captive nations resolution, which condemned the captivity into which the conquering Communists have placed the satellite nations of Europe. The United States and the other conscientious peoples of the world have said to the conquering Communists of Russia, "You are not treating the satellite nations correctly and justly. You are degrading their dignity. You should allow them to live as worthy human beings." That is what we are saying to the Communist leaders of Soviet Russia.

But it seems to me that if we insist upon our rights under the 1952 treaty with Japan, we are degrading the Japanese people.

It is on that basis that I believe that to yield the powerful rights which were given to us under the 1952 treaty with Japan will be only in conformity with a just attitude and a proper recognition of the rights of those people.

Mr. HICKENLOOPER. I agree completely with the Senator from Ohio. I agree that it is foreign to our policy and our belief to keep these nations in a state of servility. We do not believe in that. We have practiced our beliefs by making equitable treaties with nations which were on the other side during the recent war; and we have criticized and condemned communism for enslaving the peoples of other nations when the force and power of Soviet Russia has permitted the Soviets to do so.

Mr. FULBRIGHT. Mr. President, will the Senator from Iowa yield to me?

Mr. HICKENLOOPER. I yield.

Mr. FULBRIGHT. First, I wish to thank the Senator from Iowa for the kind words he had to say about me.

Second, I desire to thank him for the great contributions he has made, both to this debate and to the consideration of this matter by the committee.

Under the circumstances which have arisen, this became a serious undertaking. Speaking for myself, and also for the committee and for the entire Senate, I wish to state that I certainly appreciate very much the contributions the Senator from Iowa has made to this debate.

Mr. HICKENLOOPER. I thank the Senator from Arkansas.

Again, I wish to refer to my earlier expressions of appreciation—which I made at the outset of my remarks—in regard to the contributions the Senator from Arkansas has made and in regard to what I believe to be the great and constructive step he is advocating in connection with the association of Japan and the United States.

Mr. President, I do not wish to prolong the debate; but I desire to point out one other matter which was referred to earlier in these proceedings. I believe it impossible to overemphasize the fact that the Japanese must consent to our use of bases in Japan. I believe that is a fundamental part of sovereignty if we are dealing with Japan on a basis of mutual and equal sovereignty. So I think it proper and just that that provision be included. But I also call attention to the fact that the maintenance, operation, and servicing of those bases in Japan was agreed to, and is a basic part of this treaty by reference.

I call attention to article VI of the treaty, which states:

> For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted—

It does not say "may be" or "will be." It says:

> the United States of America is granted the use by its land, air, and naval forces of facilities and areas in Japan.

That is the first paragraph of article VI.

The second paragraph reads:

> The use of these facilities and areas as well as the status of the U.S. Armed Forces in Japan shall be governed by a separate agreement, replacing the administrative agreement under article III of the Security Treaty Between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

The administrative agreement under article III refers to the old treaty, which is now the one in force, and which will be superseded by this one. But the important thing is that under article VI there has been agreed to between Japan and the United States a document which is contained, beginning on page 13, in the Senate document known as Executive E., 86th Congress, 2d session, which is the message of the President of the United States containing the treaty and related documents, a document entitled "Agreement Under Article VI of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, Regarding Facilities and Areas and the Status of U.S. Armed Forces in Japan."

Then it goes on through 28 articles, plus 6 or 7 pages of agreed minutes. The 28 articles in the original agreement encompass about 18 pages in this document; and there is the agreement, already arrived at, which is just as binding, in my view, as is this treaty, because it is a part of this treaty by reference for the maintenance of American bases in Japan and all the details that go with it.

The Japanese have agreed to it. There is not any question of their waiting or any question of their agreeing. The agreement is there. They will from time to time, by their consent and ours, mutually agree to alterations and changes; but, throughout the treaty and the agreement, any changes that occur must be mutually agreeable. That is, we have to agree to the changes just as the Japanese do. I see nothing in the treaty that necessarily would permit the Japanese to throw us out of their bases in Japan merely on a whim or caprice. I see nothing in it that would give the Japanese justification, under international law or treaty law, to do anything like that whatsoever. The alterations and changes must be by mutual consent and agreement, and the agreements are already made and entered into. We know what they are, and they are in black and white.

Mr. President, I have occupied the floor about twice as long as I had intended to. I think the subject has been quite thoroughly covered by the chairman of the Foreign Relations Committee and by the discussions engaged in by other Members of the Senate. I was not on the floor at all times. May I inquire of the chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT], whether this agreement, under article VI, has been put in the RECORD?

Mr. FULBRIGHT. I do not believe so, although the treaty in its entirety was referred to. Why does not the Senator put it in the RECORD?

Mr. HICKENLOOPER. I believe it would be informative for the people of the country to have available the agreement made pursuant to article VI of the treaty. Therefore, Mr. President, I ask unanimous consent that this particular agreement, beginning on page 13 of the Senate document entitled "Executive E," ending on page 31 of the document, be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HICKENLOOPER. Mr. President, we are indeed in a vital struggle. I do not think there is a loyal, patriotic American who does not fervently hope and pray that the time will come—soon, we hope—when a reliable peace can be in effect throughout the world. But even greater than peace is freedom and the right of men to have freedom.

Civilization has been built upon freedom, and it has flourished and come to its highest pinnacle because people have been willing to sacrifice security for freedom. They have preferred freedom and sometimes all of the sacrifices that go with it because freedom is the dearest thing we have. And today I believe we are taking a step, in the relations between nations, and especially in the Pacific area, that will strengthen our progress toward the extension of freedom in this world and our progress toward a system of unity in the world which we hope will bring closer that day when a reliable peace may be our lot.

This treaty in and of itself will not, of course, revolutionize international affairs in the world, but it will contribute greatly to stability. It will restore, finally and at long last, the sovereignty of a great and strong and vigorous nation, Japan. It will relieve the people of

that country from the onus of a treaty under which they may feel servile at the present time. It will bring full brotherhood in the community of nations to Japan, which no doubt is the strongest nation in the Pacific area today.

It will continue a friendship between the United States and Japan which began well over 100 years ago and which, sadly, was interrupted only for a short period of misguided military philosophy which for a temporary season got hold of the people of Japan and led them into mistakes and errors from which they have suffered greatly.

I think it is a constructive treaty. I think it is a forward step toward international peace, security, and unity. I earnestly hope the Senate will advise and consent to the resolution of ratification by a very substantial majority.

EXHIBIT 1

AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN, REGARDING FACILITIES AND AREAS AND THE STATUS OF U.S. ARMED FORCES IN JAPAN

The United States of America and Japan, pursuant to article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960, have entered into this agreement in terms as set forth below:

ARTICLE I

In this agreement the expression—

(a) "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of article XIV. For the purposes of this agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

(1) Spouse, and children under 21;

(2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

ARTICLE II

1. (a) The United States is granted, under article VI of the Treaty of Mutual Cooperation and Security, the use of facilities and areas in Japan. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in article XXV of this agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States has the use at the time of expiration of the Administrative Agreement under article III of the Security Treaty between the United States of America and Japan, shall be considered as facilities and areas agreed upon between the two Governments in accordance with subparagraph (a) above.

2. At the request of either Government, the Governments of the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this agreement shall apply.

ARTICLE III

1. Within the facilities and areas, the United States may take all the measures necessary for their establishment, operation, safeguarding and control. In order to provide access for the United States armed forces to the facilities and areas for their support, safeguarding and control, the Government of Japan shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee, take necessary measures within the scope of applicable laws and regulations over land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

2. The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. The Government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States armed forces.

3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of Japan.

ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan. Such access to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such uses, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments.

(a) Meteorological observations from land and ocean areas including observations from weather ships.

(b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.

(c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

(d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

ARTICLE IX

1. The United States may bring into Japan persons who are members of the United States armed forces, the civilian component, and their dependents, subject to the provisions of this article.

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

(a) personal identity card showing name, date of birth, rank and number, service, and photograph; and

(b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card which must be presented on request to the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan.

6. If the Government of Japan has requested the removal from its territory of a member of the United States armed forces or civilian component or has made an expulsion order against an ex-member of the United States armed forces or the civilian component or against a dependent of a member or ex-member, the authorities of the United States shall be responsible for receiving the person concerned within its own territory or otherwise disposing of him outside Japan. This paragraph shall apply only to persons who are not nationals of Japan, and have entered Japan as members of the United States armed forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

ARTICLE XI

1. Save as provided in this agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal and official mail in United States military postal channels:

(c) Military cargo shipped on a United States Government bill of lading.

6. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be reexported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of Japan.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

(a) Commodity tax
(b) Travelling tax
(c) Gasoline tax
(d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this article.

4. Local labor requirements of United States armed forces and of the organizations provided for in article XV shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Should the United States armed forces or as appropriate an organization provided

for in article XV dismiss a worker and a decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become final, the following procedures shall apply:

(a) The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission;

(b) Should the United States armed forces or the said organization not desire to return the worker to duty, they shall so notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case;

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in article XV. The provisions of this article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this article, be subject to the laws and regulations of Japan.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by United States standards, or to limitations of United States law.

The designation shall be withdrawn by the Government of the United States:

(a) upon completion of contracts with the United States for the United States armed forces;

(b) upon proof that such persons are engaged in business activities in Japan other than those pertaining to the United States armed forces; or

(c) when such persons are engaged in practices illegal in Japan.

3. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this agreement:

(a) Rights of accession and movement, as provided for in article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of article IX;

(c) The exemption from customs duties, and other such charges provided for in article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d) If authorized by the Government of the United States, the right to use the services of the organizations provided for in article XV;

(e) Those provided for in article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;

(f) If authorized by the Government of the United States, the right to use military payment certificates, as provided for in article XX;

(g) The use of postal facilities provided for in article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

4. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

5. Upon certification by an authorized officer of the United States armed forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

6. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance, or operation of any of the facilities or areas covered by this agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

8. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other nonappropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1(b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this agreement, and, in particular, from any political activity in Japan.

ARTICLE XVII

1. Subject to the provisions of this article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this article a security offense against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

5. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;

(e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under article II of this agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. In the event of hostilities to which the provisions of article V of the Treaty of Mutual Cooperation and Security apply, either the Government of the United States or the Government of Japan shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this article. If this right is exercised, the Governments of the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

12. The provisions of this article shall not apply to any offenses committed before the entry into force of this agreement. Such cases shall be governed by the provisions of article XVII of the administrative agreement under article III of the Security Treaty between the United States of America and Japan, as it existed at the relevant time.

ARTICLE XVIII

1. Each party waives all its claims against the other party for damage to any property owned by it and used by its land, sea or air defense services, if such damage—

(a) was caused by a member or an employee of the defense services of the other party in the performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other party and used by its defense services, provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one party against the other party shall be waived, provided that the vessel or cargo salved was owned by a party and being used by its defense services for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either party and located in Japan, the issue of the liability of the other party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counterclaims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of Japan who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e)(i), (ii), and (iii) of this article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each party waives its claim in any such case up to the amount of 1,400 U.S. dollars or 504,000 yen. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this article the expression "owned by a party" in the case of a vessel includes a vessel on bare boat charter to that party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such party).

4. Each party waives all its claims against the other party for injury or death suffered by any member of its defense services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this

article apply) arising out of acts or omissions of members or employees of the United States armed forces done in the performance of official duty, or out of any other act, omission, or occurence for which the United States armed forces are legally responsible, and causing damage in Japan to third parties, other than the Government of Japan, shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed, considered, and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its self-defense forces.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the parties.

(d) Every claim paid by Japan shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with subparagraphs (e)(i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraphs and paragraph 2 of this article shall be distributed between the parties as follows:

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to Japan and 75 percent chargeable to the United States.

(ii) Where the United States and Japan are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the defense services of the United States or Japan and it is not possible to attribute it specifically to one or both of those defense services, the amount awarded or adjudged shall be distributed equally between the United States and Japan.

(iii) Every half year, a statement of the sums paid by Japan in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the appropriate United States authorities, together with a request for reimbursement. Such reimbursement shall be made, in yen, within the shortest possible time.

(f) Members or employees of the United States armed forces, excluding those employees who have only Japanese nationality, shall not be subject to any proceedings for the enforcement of any judgment given against them in Japan in a matter arising from the performance of their official duties.

(g) Except in so far as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo; other than claims for death or personal injury to which paragraph 4 of this article does not apply.

6. Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in Japan) arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of Japan shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the authorities of Japan of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or an employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the United States armed forces are legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member or an employee of the United States armed forces was done in the performance of official duty or as to whether the use of any vehicle of the United States armed forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of Japan for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of Japan except to the extent provided in paragraph 5(f) of this article.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The authorities of the United States and Japan shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services, and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

11. The term "defense services" used in this article is understood to mean for Japan its self-defense forces and for the United States its armed forces.

12. Paragraphs 2 and 5 of this article shall apply only to claims arising incident to noncombat activities.

13. The provisions of this article shall not apply to any claims which arose before the entry into force of this Agreement. Such claims shall be dealt with by the provisions of article XVIII of the Administrative Agreement under article III of the Security Treaty between the United States of America and Japan.

ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The Government of the United States will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilies shall be permited to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by article XIX, paragraph 2, of this Agreement.

ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

ARTICLE XXII

The United States may enroll and train eligible United States citizens residing in Japan, who apply for such enrollment, in the reserve organizations of the armed forces of the United States.

ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their

dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

ARTICLE XXIV

1. It is agreed that the United States will bear for the duration of this agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will furnish for the duration of this agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in articles II and III.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting applicable to financial transactions arising out of this agreement.

ARTICLE XXV

1. A Joint Committee shall be established as the means for consultation between the Government of the United States and the Government of Japan on all matters requiring mutual consultation regarding the implementation of this agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purposes of the Treaty of Mutual Cooperation and Security.

2. The Joint Committee shall be composed of a representative of the Government of the United States and a representative of the Government of Japan, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of the United States or the Government of Japan.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

ARTICLE XXVI

1. This agreement shall be approved by the United States and Japan in accordance with their legal procedures, and notes indicating such approval shall be exchanged.

2. After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, shall expire.

3. The Government of each party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

ARTICLE XXVII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

ARTICLE XXVIII

This Agreement, and agreed revisions thereof, shall remain in force while the Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the two Governments.

In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

Done at Washington, in duplicate, in the English and Japanese languages, both texts equally authentic, this 19th day of January, 1960.

For the United States of America:

CHRISTIAN A. HERTER.
DOUGLAS MACARTHUR 2D.
J. GRAHAM PARSONS.

For Japan:

NOBUSUKE KISHI.
AIICHIRO FUJIYAMA.
MITSUJIRO ISHII.
TADASHI ADACHI.
KOICHIRO ASAKAI.

Mr. ALLOTT. Mr. President, first I commend the senior Senator from Iowa for the very well considered and brilliant discourse which he has made upon the Japanese Treaty. I concur in what the Senator has said. I also concur in the remarks of the Senator from Arkansas, who this afternoon made such a fine presentation of all the ramifications of the Japanese Treaty to the Members of the Senate.

I intend to support the treaty. There is one thing I wish to state, as a result of some of the colloquy which occurred in the last few minutes. It seems to me that to deny the treaty is to draw a line down the Pacific. I do not think the United States can afford to do so. I do not think we can afford to bring our outer perimeter of defense closer to the United States than it is. We do not have to go far back in history to remember the Oxford movement of the 1930's and the very sad effect it had upon the thinking, the alertness and the wakefulness of this country. After World War II, I think we should ever be mindful of the effects which drawing a line closer to the United States might have upon our national policy and international policy.

I think we are all indebted to the Senator from Iowa [Mr. HICKENLOOPER], to the Senator from Arkansas [Mr. FULBRIGHT], to the Senator from Ohio [Mr. LAUSCHE], and to other Senators who have taken such a clear-cut stand upon this question.

Mr. President, for the benefit of my colleagues in the Senate I intend to devote myself for some 15 or 20 minutes to an entirely different subject, so Senators who have other things to do can take care of them in these few minutes.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield.

Mr. HICKENLOOPER. I merely wish to express my thanks to the Senator for the kind words he has said about the treaty. I am happy the Senator agrees with me with regard to the treaty and is going to support it.

Mr. ALLOTT. Oftentimes the Senator from Iowa and I have minor disagreements, but this is not one of those occasions. I think the Senator has contributed a very great argument in behalf of the treaty.

Mr. HICKENLOOPER. I thank the Senator.

THE NATIONAL SPACE EXPLORATION PROGRAM

Mr. ALLOTT. Mr. President, I shall take several minutes of the Senate's valuable time to make what I believe to be some pertinent comments on our national space exploration program. As ranking minority member of the Appropriations Subcommittee, which is responsible for approving the operating funds of the National Aeronautics and Space Administration, I have been somewhat disturbed by an apparent public confusion and outlook on this Nation's space efforts. I hope the statements and suggestions submitted in the course of my remarks will, on analysis, be considered as a constructive attempt to promote clarity and public understanding toward a program which unquestionably involves one of the most noble national endeavors upon which this country has ever embarked.

The study and deliberations I have made of our national space activities have led me to the conclusion that the Congress itself has been guilty of not providing the degree of enlightened cooperation which our space scientists and technologists require if they are to advance in their efforts on this challenging frontier of space. In fact, congressional enthusiasm and apathy on our space efforts have been so intermixed that our citizens have not been able to feel the real pulse of the truly great developments occurring in space in their own lifetimes.

Before providing the particulars in support of this conclusion, it may be helpful to review briefly what lies ahead on the space horizon for all humanity if our national space program is fully supported as well as vigorously pursued. Most of our scientists who have come to grips with the realities of our technical capabilities in space believe that within the lifetimes of most of us our progress in the world outside the earth will give us instantaneous communications around the earth. Television programs, for example, originating in New York, will be viewed in Bombay or Cairo. International telephone conversations will, without delay, be as easily made from Denver to Paris as they presently are today from Denver to Chicago.

Second. Our space capabilities reflect the great advances which lie before us in weather forecasting and possibly even weather control in the near future. Meteorologists of every nation have already acclaimed the breathtaking cloud cover pictures taken over millions of miles of the earth's surface by Tiros I. Pictures from Tiros I have now accumulated to a number of over 24,000. Our own weather experts indicate that with the earlier weather predictions now promised through our space efforts, billions of dollars in terms of lives and property can be saved to this Nation and the world.

It becomes immediately apparent that if our satellites can photograph with accuracy and detail cloud structure and formation, typhoons, and hurricanes, as they have, they will be able to observe, also in detail, launching sites, nuclear explosions, and military production sites. In the near future, then, hopefully the

world can be protected against sneak attacks and surprise aggression. If in December of 1941, the photographic capabilities of satellites had been available to the Nation, the destruction of our naval strength at Pearl Harbor might never have occurred.

In the field of navigation, there appears now to be no unsolved technological problems ahead to the development of a satellite system producing instantaneous information for accurate guidance of our ships and commerce on the high seas.

Sometime late next year, if present schedules can be maintained, the Nation's first man traveling in space will circle the earth in his mercury capsule. Twenty-seven thousand miles in 90 minutes, Mr. President, will be the greatest jump in manned traveling speed the world has experienced to date. In fact, it will be over a 1,200 percent increase in the speed attained today in even our advanced jet military aircraft. If our commerce keeps pace with our technological progress, it is not too unrealistic to visualize transportation between our east coast and Europe in a time period of less than 15 minutes. Yes; it sounds incredible, Mr. President, but we must remember that the Wright brothers were considered as "loony tinkerers" not too many years ago.

Even beyond the exciting vista which lies before us in the fields I have mentioned, great advancements can be expected in a number of areas upon which our lives are already heavily dependent today. The electronics industry, for example, pressed by the demands of space technology, has taken great strides forward in the development of new techniques and the miniaturization of existing equipment.

Medical research will be given new information through the experience of animate life traveling through space, some of which may open new avenues for remedies of present day diseases and illnesses. New and more powerful propulsion fuels are in development; the desire for new materials that are harder, lighter, and more durable under intense heating conditions in space may revolutionize the present day manufacture of industrial products in the days ahead; new power sources through a better understanding of the sun-earth relationship may develop; and perhaps beyond anything else, the great increase in our basic knowledge about the origin of the earth and indeed the existence of life on other planets holds a promise and excitement that few experiments in all recorded history could reflect.

I have not referred directly as yet to the international character of our space activities or the international prestige that is implicit in the competition between the United States and the U.S.S.R. in this field. The successful orbiting of Sputnik I on October 4, 1957, marked a new era in the Communist cold war, and the free nations of the world are, 4 years later, still rebounding from the claims of technological superiority of the Marxist societies.

Scientific community and world leaders, at home and abroad, know that the United States has launched successfully far more satellite and deep space probes than the Russians and have provided far more valuable data to benefit the world at large than their counterparts in the Soviet Union. However, the vast propagandist mill of the Communist network has exploited to the fullest measure, the sputniks, and luniks, which have been launched to the moon and beyond in order to achieve the greatest psychological advantage for Russia.

Our scientists inform us that the Soviet Union has revealed to the world at large relatively little scientific data that they may have obtained through these efforts. And this in spite of the condition that our data, as well as the information on our successes and failures in space, have been placed in open view, even to the Soviet Union.

I believe there is no question that we are in a technological race in space with the Soviet Union and that our competition views this race as a critical factor in their drive to communize the world. Our scientists and technicians are not hanging their heads in shame, nor are they fearful of the outcome if they can be assured of continuous support for their research efforts. They have proven to date that they are not only willing but capable of keeping this Nation in the forefront in the fields I have already mentioned but are confident of leading the way in many others that will bring credit to the Nation and the free world as well.

Most of the Members of the Senate recall the lengthy hearings held several years ago in both Houses of Congress by select committees on the subject of this Nation's space effort. These hearings culminated in the establishment of a national policy that our exploration of space should be dedicated to peaceful purposes and the establishment of the National Aeronautics and Space Administration to conduct our space exploration program. Provision was made at that time to safeguard the responsibilities of the Defense Department to carry on defense programs in space. And finally, for the first time in some 80 years, both Houses of the Congress, established new permanent committees to legislate and have jurisdiction over a new function of the Federal Government.

Since these developments have occurred, programs, personnel, and facilities have been concentrated in the NASA and a long-range plan for space exploration has been formulated by the scientists in the new agency.

In addition to these rapid developments, appropriations have been requested of the Congress to provide the financial foundation that this challenging and promising program required. And it is in this area, Mr. President, that I would like to direct my final comments to the attention of my colleagues.

I, and I am sure the citizens of my State, have been disturbed by the comments of leading members of the opposition party that we are not going fast enough in space and that budget restrictions are retarding our space efforts.

However, I find that in the last 3 fiscal years, the Congress of the United States has cut the funds for our National Space Administration by $74,900,000. And the other body of Congress has already approved a reduction of $38,900,000 for next year's operating funds for NASA. I am pleased to state quite openly that the reduction in funds for this vital program has not originated in this body. To the contrary, the Senate has supported on every occasion the appropriations requested by our space scientists and technicians. But, as the Members well know, controversies between the two Houses are settled by compromises and these compromises in our space budget have resulted in vital programs being delayed or canceled by the space agency.

I believe that the Members of Congress should be as consistent in the support which they give to the space program as they are consistent in their repeated statements regarding the urgency for our national space efforts.

In conclusion, I want to state that there may be a valid question as to whether our present organizational structure in Congress for consideration of space legislative matters is designed to promote the information needed by its members in order for them to intelligently support their efforts.

I do not wish my remarks however to be misunderstood for I have the highest regard for the work which the present Space Committees of both houses have performed to date.

Over the years the Joint Committee on Atomic Energy has become a valuable mechanism to the Members of Congress in bringing pertinent and timely information on a scientific program of great national significance. I believe that a Joint Committee on Space Exploration which would have legislative jurisdiction over our national space activities would possibly produce a greater degree of congressional support for our technical space oriented programs.

I ask unanimous consent that an information fact sheet about the National Aeronautics and Space Administration, together with a table 1 entitled, "Significant Firsts in Sounding Rockets, Satellite, and Space Probe Research," be printed in the RECORD at this point in my remarks.

There being no objection, the fact sheet and table were ordered to be printed in the RECORD, as follows:

INFORMATION FACT SHEET ABOUT THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

BACKGROUND

The National Aeronautics and Space Administration (NASA) was established by Public Law 85-568 signed by President Eisenhower on July 29, 1958. Earliest public statements about official governmental interest in scientific experiments in space occurred in 1955 when announcement was made of our intention to launch artificial satellites as part of our contribution to the program of the International Geophysical Year (IGY). Military interest in the use of the space environment has existed, but not publicly, for many years.

Prior to 1958, the limited space activities of the United States were conducted by the military departments. Although financed by the National Science Foundation, the Vanguard IGY program was under the management and technical direction of the Navy.

Projects initiated following Sputnik I (Oct. 4, 1957) were funded by the Department of Defense, Advanced Research Projects Agency (ARPA) and carried out by the military services whether for civilian scientific or for military purposes.

On October 1, 1958, NASA officially came into existence and several projects were transferred from the Department of Defense (DOD) to NASA. The Administrator of NASA and the Deputy Administrator, T. Keith Glennan and Hugh L. Dryden, respectively, were confirmed by the Senate on August 14, 1958, and sworn in on August 19, 1958. Throughout the balance of 1958 and 1959, transfers of various projects between DOD and NASA occurred as the program and operating responsibilities of each agency were clarified.

PROVISIONS OF THE SPACE ACT

The act set forth the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind and that a civilian organization, NASA, was being organized to conduct such activities. The act reserved to the Defense Department jurisdiction over those space activities which were necessary in carrying out the military responsibilities of the respective departments.

The President was made directly responsible for (1) surveying all significant aeronautical and space activities, (2) developing a comprehensive program of such activities to be conducted by agencies of the United States, (3) designating the agency to carry out major activities, (4) providing for effective cooperation between the DOD and NASA and (5) resolving differences between these two agencies on matters of jurisdiction. He was given a Space Council composed of governmental and nongovernmental members to advise him on the performance of these duties and there was established a Civilian-Military Liaison Committee through which the Secretary of Defense and the Administrator of NASA would advise and consult on matters of concern to each.

PROPOSED CHANGES IN SPACE ACT (85–568)

On January 14, 1960, the President transmitted a message to the Congress proposing changes in Public Law 85–568 which are intended to make it clear that the Nation's program in space exploration for peaceful purposes is and should be the responsibility of a single civilian agency—NASA. Provision is made for the President to allocate responsibility for the design and development of new launch vehicles and to resolve possible disputes between NASA and the DOD. While there are proposed changes in the wording regarding military activities in space, there is no change in the intent to leave the Department of Defense free to meet its military responsibilities through the use of space and the development of weapons using space vehicles.

Further, the President states his belief that it is no longer desirable to retain in the act those provisions which impose planning and supervisory duties on the President. Since the purpose of the Space Council is solely that of advising the President on the performance of his duties, the enumeration of which is to be repealed, he proposes the elimination of the Space Council. Because of the many channels for communication between NASA and the DOD, the President further proposes the elimination of the Civilian-Military Liaison Committee.

A proposed change that has attracted some attention has to do with property rights in inventions. In brief, it is proposed that the patent policies of NASA be changed to approximate those of the Department of Defense so that the Government, through both of these agencies, treats its contractors in this field similarly, while adequately protecting the interests of the Government.

TECHNICAL COMPETENCY OF NASA

NASA has transferred to it the 43-year-old National Advisory Committee for Aeronautics (NACA), including 8,000 scientific, technical, and administrative personnel. The NACA's reputation for research in the development of advanced aircraft was unexcelled anywhere in the world. Its research program, for some years, had been oriented substantially toward space related problems. In addition, the President has transferred scientists from the Naval Research Laboratory, 2,700 technical and scientific personnel of the Jet Propulsion Laboratory, and recently approximately 5,000 Government personnel from the Army's Huntsville Ordnance Command (Von Braun group) to NASA. The last transfer will become effective March 15, 1960, unless Congress disapproves, but the technical management of the group's main program, Saturn (the 1½-million-pound thrust engine) is already being carried forward by NASA.

NASA'S PROGRAM OF SPACE EXPLORATION

The major components of the Nation's space exploration program being conducted by NASA are:

(a) Manned satellite program: The first step in this program is Project Mercury. The objectives are to place a man in orbit; to recover him safely; and to study his capability to perform useful functions while in orbit. Ballistic training flights for the Astronauts are scheduled for the last half of calendar year 1960. Present plans call for orbital flight in calendar year 1961.

(b) Scientific investigations in space: A broadly based program of research in a variety of fields (chemistry, physics, astronomy, biology, etc.) will employ satellites and sounding rockets. This program will continue over many years at a significant but relatively constant funding level.

(c) Lunar and planetary programs: First steps involve the launching of lunar probes and satellites followed by hard and soft lunar landings and finally by manned lunar expeditions. Similar exploration of the environment and surface of Mars and Venus will follow in a later time period. Other projects in this category will involve the use of probes to study interplanetary space. A manned lunar landing is not anticipated before 1970.

(d) Satellite applications: This program utilizing orbiting satellite spacecraft is designed to produce practical applications of space technology. It is expected to provide greatly improved weather forecasting, worldwide television and telephone services, improved and more reliable navigational aids and more accurate mapping of the earth's surface. In this area, there exists the greatest possibility of duplication of activities between NASA and the DOD. This being recognized, effective means of avoiding needless duplication have been developed. It is important to note, too, that in these areas, the greatest opportunity for mutual support between NASA and the DOD also exists.

(e) Launch vehicle systems: A very substantial portion of NASA's budget is being devoted to the development and testing of launch vehicle systems necessary to carry instruments and men into space. This program shares with Project Mercury the highest urgency in the entire NASA effort.

The launch vehicles that are presently in use are those that for the most part have been assembled from available missile hardware and have been marginal for the missions to which they have been assigned.

However, a family of new launch vehicles is under development that will provide the capability to place payloads ranging from 200 to 30,000 pounds into a low earth orbit. It is expected to develop this capability to orbit payloads of 5,500 pounds in 12 to 15 months, 9,000 pounds in 18 months to 2 years, and 30,000 pounds in 3 to 5 years.

UNITED STATES-U.S.S.R. SPACE COMPARISON

Immediately after World War II, the Soviet Union began intensive work in the field of high-thrust ballistic missiles. This was 5 or 6 years before any serious organized activity within the United States. Due to this headstart, the U.S.S.R. has demonstrated a considerable lead over the United States in the field of propulsion, and, consequently, the ability to project heavier payloads into space. Within 2 years the present U.S. vehicle development program will enable the United States to catch up with the present effort of the U.S.S.R., but it will take 4 or 5 years before we can expect to significantly surpass their present capabilities. This will come with the development of the Saturn (1½-million-pound thrust) vehicle. All available evidence indicates U.S. superiority in tracking and data acquisition operations and equal or superior ability with the U.S.S.R. in the scientific instrumentation field.

In the past 2 years the United States successfully launched 12 scientific earth satellites and 3 deep space probes. Seven U.S. satellites are still in orbit, and one space probe orbits the sun. In the same period, the U.S.S.R. has launched three satellites and three space probes; one satellite orbits the earth, one probe orbits the sun; another probe impacted the moon, and a third is in an earth-lunar orbit. Because the U.S.S.R. has had more powerful launch vehicles, they have been able to launch heavier payloads and perform more spectacular experiments than the United States. Table I lists some of the significant accomplishments of both countries. Table II lists U.S. launchings for calendar year 1959.

INTERNATIONAL COOPERATION

The United States has continued the cooperative nature of its space activities that was the keynote of the International Geophysical Year (IGY) program. This has been effected through U.S. participation in the extension of IGY in the International Council of Scientific Unions Committee on Space Research (Cospar). Through Cospar the United States has offered to launch scientific satellites containing experiments of foreign scientists. In addition arrangements are being made for limited joint programs of space exploration between the United States, Canada, and the United Kingdom.

The operation of the extensive U.S. tracking network required for all space launchings, and in particular for project Mercury, is another avenue through which our program has attained an international character. We have even offered the services of this network in support of the Soviet-manned space flight program since they have no comparable facilities.

Last but not least the United States has taken the initiative in the United Nations to bring about the appropriate study, cooperation and action that is due a subject of such wide appeal to nations around the world.

Space program funds

NEW OBLIGATIONAL AUTHORITY

[In millions]

Fiscal years	1958	1959	1960	1961 [1]
NASA	117	305	[2] 524	915
Defense	52	440	454	407
AEC	20	33	52	47
Total	189	778	1,030	1,369

[1] Requested from Congress.
[2] 23 million requested from Congress as 1960 NASA supplemental.

CONGRESSIONAL ACTION ON NASA APPROPRIATIONS

[In millions of dollars]

Fiscal year:	Reductions
1958	45.0
1959	6.7
1960	23.2
Total	74.9

TABLE I. SIGNIFICANT FIRSTS IN SOUNDING ROCKETS, SATELLITE, AND SPACE PROBE RESEARCH

UNITED STATES

1. A number of firsts in high altitude rocket research, including among others:

First detailed photo of solar ultraviolet spectrum.

First photo of complete tropical storm.

First penetration of equatorial ionospheric current sheets.

First detection of X-rays in high atmosphere.

First detection of auroral particles in high atmosphere.

2. Discovery of the Van Allen Radiation Belt.

3. Discovery that the Van Allen Radiation Belt consists of at least two zones.

4. Creation of a manmade radiation shell around the earth (the Argus experiments).

5. The first precise geodetic use of artificial earth satellites (Vanguard I) to obtain refined information on the size and shape of the earth, providing a more accurate measurement of the flattening and showing that the earth is actually slightly pear shaped.

6. First achievement of an elementary communication satellite, in Project Score.

U.S.S.R.

1. First artificial earth satellite.

2. First lunar near miss.

3. First lunar impact.

4. First pictures of the hitherto unseen side of the moon.

5. First detection of what may be a current ring about the earth (the Chapman-Störmer ring).

6. First routine recovery of large animals (dogs and rabbits) from high altitude rocket flights.

7. Development routine use of a meteorological sounding rocket, recoverable and reflyable.

8. First launching of a large animal (laika) in a satellite of the earth.

9. First high capacity, maneuverable, heavily instrumented, spacecraft with fully successful long range communications (Lunik III).

TABLE II.—*Calendar year 1959 launchings*

Date	Experiment	Results
Feb. 7, 1959	Vanguard II	Success.
Mar. 3, 1959	Pioneer IV	Do.
Apr. 13, 1959	Vanguard	Failure.
June 22, 1959	Vanguard	Do.
July 16, 1959	Explorer	Do.
Aug. 7, 1959	Explorer VI	Success.
Aug. 14, 1959	Beacon (12-foot sphere)	Failure.
Sept. 18, 1959	Vanguard III	Success.
Oct. 13, 1959	Explorer VII	Do.
Nov. 26, 1959	Lunar Orbiter	Failure.
Sept. 9, 1959	Mercury-Atlas	Success.
Aug. 21, 1959	Mercury-Little Joe I	Failure.
Oct. 4, 1959	Mercury-Little Joe II	Success.
Nov. 4, 1959	Mercury-Little Joe III	Do.
Dec. 4, 1959	Mercury-Little Joe IV	Do.

PROPOSED NATIONAL INSTITUTE FOR ATMOSPHERIC RESEARCH

Mr. ALLOTT. Mr. President, it is with a great deal of confidence that I can announce to the Senate that plans now are under way for a new National Institute for Atmospheric Research.

This will be announced by the National Science Foundation and the University Corporation for Atmospheric Research. Both will support this coordinated endeavor to further our basic research into the atmosphere.

A Director will be announced soon. It will be his task to select a research and planning staff. New, major facilities for atmospheric research, so important in our space and other programs, are envisioned ultimately. However, it will be the task—one of several months or even of several years—of this planning group to determine exactly what is needed and where it should be located.

The National Science Foundation plans to participate by making grants to the University Corporation on Atmospheric Research to pay the salaries and costs of this planning work.

This is just one of the reasons that it is so important to restore the cuts made by the House in the proposed Foundation budget, much of which would have come from funds urgently needed for broad basic research if we are to continue to match or exceed the Soviet Union in scientific endeavor.

To background this just a bit more, let me say that in 1959 a report was published by a committee composed of scientists from 14 major universities which pointed up many deficiencies in the atmospheric sciences in the United States. A major deficiency was the lack of suitable facilities for the conduct of broad-scale research in the complex and diverse phenomena affecting the atmospheric envelope of the earth. As a result of recommendations contained in the report, the Foundation proposes a gradual buildup in the research facilities necessary to support this field of science. Examples of such facilities include aircraft, equipped and instrumented, to serve as platforms for atmospheric research; ground-based and airborne equipment for probing the atmosphere with radar and other electromagnetic radiation techniques; and, instrumented balloons and rockets for probing the upper atmosphere. Assistance in building atmospheric science laboratories will also be provided to individual university groups to improve the effectiveness and coverage of the cooperative research programs.

TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

The Senate resumed the consideration of Executive E (86th Cong., 2d sess.), the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington on January 19, 1960.

Mr. GRUENING. Mr. President, I rise to support the ratification of the treaty with Japan. I shall vote for it with no slight misgivings, but shall do so because I believe that on balance, and, perhaps better said, because I hope, the treaty will be beneficial both to Japan and to the United States, and that it may contribute to the keeping of the peace, which certainly is the desire and hope of the peoples of the world. Actually, we have no desirable alternative.

I wish to take this occasion to congratulate the chairman of the Committee on Foreign Relations on his well-balanced, objective, and dispassionate presentation of the pros and cons of ratification, and of the complexities underlying the situation.

He has illuminated the problems involved and has truly informed us. He has in no sense minimized the uncertainties that lie ahead after ratification. His has been a statesmanlike performance.

Likewise, I wish to pay tribute to the senior Senator from Oregon [Mr. MORSE] for his penetrating discussion of the weaknesses and omissions of the treaty. The Senator from Oregon has likewise announced his support of ratification, but his criticism of the administration's foreign policy deserves wide reading. It is notable that again and again in the past Senator MORSE, a member of the Committee on Foreign Relations, has been a dissenter, at times a lone dissenter, at times supported by only two or three, from the policies recommended by the administration and adopted, often reluctantly, by the Senate. Time and again his analysis of the shortcomings of these policies has proved sound, and his prophetic judgments have been vindicated with the passage of time. So his views on the treaty and the circumstances and events surrounding it are entitled to the utmost respect.

I likewise wish to commend the value of the remarks expressing doubt and probable opposition to the treaty which have been raised by the Senator from Louisiana [Mr. LONG].

Nor in deciding to support ratification, am I unmindful of the moving plea against ratification found on pages 48, 49, and 50 of the hearings, signed by nearly 400 representatives of the clergy, from all parts of the Union, who illustrate in their objection to the treaty the great dilemma which arises from the conflicting desire for disarmament, a goal we must all seek, and the need for military sufficiency, which the realities of this contemporary world with its totalitarian aggressors requires.

There are strong bonds of amity between us and the great people who occupy the narrow chain of islands that constitute the homeland of Japan. It is clearly desirable to erase as far as we may the harsh memories of the bitter struggle in which our two nations engaged, with the sacrifices of so many young lives, which have left a legacy of mourning in countless homes, both in Japan and in the United States.

It is clearly desirable to erase as far as we can the bitter fruits of what President Roosevelt labeled "a day of infamy," when, under the misleadership of a fanatic military clique, Japan precipitated the unprovoked attack without warning on Pearl Harbor.

It is desirable for us to remember always that the people of a nation are not necessarily responsible for the acts of their governmental leaders. They are,

as often as not, the victims. While we like to believe, and do believe, that even, in a democracy like ours where the people rule, and are hence presumed responsible for our Government's acts, in a system that whatever its faults we still consider the best yet devised by man, yet the acts of our Government may be unwise and productive of disaster. Much that has happened to us recently falls into this category.

So, we should try to dissociate ourselves from holding the people of Japan responsible for the actions of their warlords in 1941, just as we should clearly distinguish between the people of Russia and the actions of their rulers in the Kremlin, and no doubt also between the people of Red China and the leaders Mao Tse-tung and Chou En-lai.

Mr. President, the Japanese are a noble people, with a high culture, a great history, and with unique qualities of an outstanding order. They fought with great bravery in a war into which they were pushed. They have returned to the difficult struggles of peace, after a crushing defeat, with courage and determination. They are a hard-working, industrious people with exceptional standards of morality. They are an artistic people, a courteous people, a friendly people. Whatever we may do to get to know them better, to achieve a better understanding by us of them and by them of us, will be in the best possible cause.

Incidentally, I am glad to report in this connection that an entirely new and unprecedented industrial and trade relationship is in the making between the State of Alaska and Japan. Japanese and American capital have combined to establish a new and important industry in Sitka, a pulpmill which utilizes the hitherto unused virgin timber resources of southeastern Alaska.

The mill will be dedicated with appropriate ceremonies in a few days, on June 29. I wish I could be there. However, I consider it of sufficient importance to warrant my sending a member of my staff to represent me and convey my good wishes.

From Wrangell and other southeastern Alaskan communities, spruce, hemlock, and cedar timber is being directly exported to Japan, which is so short of its own forestry resources.

Alaskan iron ore, chromite, and oil, all needed in Japan, are in prospect as exports, from Alaska to Japan. Conversely, we hope to see the direct importation from Japan, on its steamers, of the superlative arts and crafts of Japan, and of its many manufactured products in the perfecting of which the Japanese have made such great progress in recent years, and whose export is necessary to sustain a stable economy in those crowded islands of Nippon.

Some grave problems, particularly in the field of fisheries, remain as yet unresolved between Alaska and Japan but we hope that by an attitude of mutual understanding, forbearance, reasonable compromise, and give and take, we may resolve some of these thorny differences.

The able Ambassador of Japan, Mr. Koichiro Asakai, will visit Alaska this summer. We have gotten to know him well here in Washington and both like and admire him. I bespeak for him a warm and hospitable welcome.

Whether the treaty will serve the purposes which its Government sponsors in Japan and the United States hope for is by no means certain. As the New York Times in its leading editorial today said, "the ultimate fate of the security treaty and our bases in Japan must depend on the will of the Japanese people as expressed in new elections which now seem inevitable. Bases in a hostile country are of little value. The great majority of the Japanese people has thus far been realistic enough to support their alliance with the United States. This choice will now be put to the test again. The United States could well contribute to a positive result by ratifying the pact as quickly as possible."

Mr. President, I agree with that conclusion. I ask unanimous consent that the full text of the Times editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Tuesday, June 21, 1960]

WHITHER JAPAN?

The course of events in Japan in recent weeks has demonstrated clearly that two vital issues are at stake. One is Japan's position as a key bastion in the defense structure of the free world, now represented by the mutual security pact and the American bases in Japan. The other is the fate of Japan's new democracy.

The Communist objective is obviously to knock Japan out of the defense structure, as Premier Khrushchev seeks to knock out Germany, to neutralize both and thus pave the way to further Communist gains. To this end they have mobilized in Japan what they could not mobilize in Germany—namely, a Communist "Fifth Column." They have also sought to exploit a postwar jumble of emotions which Japan has been unable to resolve and in which neutralism and pacifism blend with pro-communism to produce an anti-American reaction.

In this situation the ultimate fate of the security treaty and our bases in Japan must depend on the will of the Japanese people as expressed in new elections which now seem inevitable. Bases in a hostile country are of little value. The great majority of the Japanese people has thus far been realistic enough to support their alliance with the United States. This choice will now be put to the test again. The United States could well contribute to a positive result by ratifying the pact as quickly as possible.

That the leftwing riots, of which more seem likely to follow, are jeopardizing Japan's democracy is self-evident. Japanese Communists have been able to get control of large student and labor organizations and to form them into political fighting groups for their own ends. The Japanese Government has thus far lacked power to deal with the rioters effectively before the rioting begins. This may change after the elections. But if it does not, one result seems inevitable. The leftwing "storm troopers" will stimulate the formation of rightwing "storm troopers" by rightist organizations already on the scene, and Japanese democracy could well be crushed between the forces of communism and fascism, as democracy was crushed in the Weimar Germany. Only the Japanese Government and the Japanese people can ward off this danger.

The debate on the treaty and the events which have preceded and accompanied its ratification in Japan, and which continue, have been the subject of pertinent and illuminating comment, not only on the floor of the Senate today, but by some of the country's leading columnists.

It should be a part of our duty to inform the American people, as fully as possible, of what is implied in the action the Senate will shortly take. It is regrettable that these comments by the most respected and responsible of our commentators inevitably find so much to criticize in the policies of this administration.

I call attention particularly to the article written by Walter Lippmann, already referred to by other Senators in the course of the debate. Mr. Lippmann makes clear that the "Trouble in Japan," which is the title of his widely syndicated column published in this morning's Washington Post, is that the administration's policies have played no small part in that trouble.

Mr. Lippmann begins his article by saying:

The cancellation of the President's visit to Japan, and his embarrassing experience in Okinawa, stem from the refusal in Washington to look squarely at the U–2 affair and its significance.

The capture of the U–2 and the way the incident was handled in Washington compromised gravely the whole circle of American bases from Norway through Turkey and Pakistan to Okinawa and Japan. When we confessed, and indeed boasted, that for 4 years we had been using these bases for a secret and illegal operation against the Soviet Union, our allies were morally and legally defenseless against the threats of the Soviet Union. A small and exposed nation is bound to take such threats seriously and although the threats may have been blunted they were not removed by the President's renunciation of aerial espionage. Thus the effect of the U–2 was to undermine our whole system of encircling bases. For it focused attention upon the fact that the bases had been secretly used for an operation which exposed the country containing the base to grave risk.

It was in this atmosphere that the Kishi government felt compelled to secure the ratification of the treaty. This naturally led to the rioting. Nevertheless, it seems to me inevitable that we should ratify the treaty.

I ask unanimous consent that the article by Mr. Lippmann be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROUBLE IN JAPAN

(By Walter Lippmann)

The cancellation of the President's visit to Japan, and his embarrassing experience in Okinawa, stem from the refusal in Washington to look squarely at the U–2 affair and its significance.

The capture of the U–2 and the way the incident was handled in Washington compromised gravely the whole circle of American bases from Norway through Turkey and Pakistan to Okinawa and Japan. When we confessed, and indeed boasted, that for 4 years we had been using these bases for a secret and illegal operation against the Soviet Union, our allies were morally and le-

gally defenseless against the threats of the Soviet Union. A small and exposed nation is bound to take such threats seriously, and although the threats may have been blunted they were not removed by the President's renunciation of aerial espionage. Thus the effect of the U–2 was to undermine our whole system of encircling bases. For it focused attention upon the fact that the bases had been secretly used for an operation which exposed the country containing the base to grave risk.

In the very days when the U–2 had become the occasion for Mr. Khushchev's actions in Paris, the Kishi government was trying to have the new Japanese-American treaty ratified by parliament. This treaty grants to us the base right in Japan for at least 11 years. A less auspicious moment for railroading the treaty through the parliament can be hardly imagined than was the moment in which the summit conference collapsed. But Mr. Kishi, who was fighting not only for the treaties but for his own political life, did railroad the treaty through the parliament in the face of a very large volume of public disapproval, by no means confined to the Communists.

The President was then called upon to decide whether instead of traveling to Tokyo from Moscow, as originally planned, he would go to Tokyo anyway and would arrive there on the day when Mr. Kishi's coup for the treaty was consummated. The President decided to go to Tokyo, to go despite the fact that the U–2 and the collapse at the summit had aroused great popular fears about the American base. The President chose to go despite the fact that after his quarrel with Mr. Khrushchev, his visit to Japan had ceased to be conciliatory and had become defiant. He chose to go despite the fact that the timing of the visit enabled Mr. Kishi to exploit for his own political purposes the President of the United States.

This was a wrong decision. After the collapse of the summit the right decision would have been to cancel all visits, and to remain in Washington on the grounds that the world situation required the full attention of the President for the purpose of strengthening the national position. This would have been an answer to Mr. Khrushchev's vituperations. It would have done much to restore the shaken confidence of our allies. And it would have spared the President the humiliation in the Far East which has been inflicted upon him and his Office.

It can be said that the wrong decision was taken without any strong protest and criticism in Congress or in the press. That is true. The opposition had been virtually silenced when the Republicans and Senator JOHNSON cried out that it was unpatriotic to inquire seriously into the causes of the U–2 disaster.

So the President and his advisers had a free hand to take the decision about the Far East. Unfortunately for them and for the country, they showed the same kind of bad judgment which had caused them to fumble the U–2 affair. In both cases they ignored the well-known conventions and the old wisdom of the art of diplomacy. In both cases they judged the immediate situation not objectively but wishfully.

Thus, in the affair of the U–2 they abandoned the ancient convention which is that a government never avows responsibility for espionage, much less attempts to justify it. In the affair of the Tokyo visit they ignored the conventions which protect a state visit. One of these conventions is that a visit by the head of a state is a visit to the whole nation and not to a political head of the government which happens to be in office. A state visit, therefore, should never be made to a country which is divided within itself on an issue in which the visiting head of state has a special interest. The very reasons which have been advanced on behalf of the visit are compelling arguments against it—that the treaty would fail if the President decided not to come to Tokyo and that Kishi would fall. This was a misuse of the institution of the state visit, and if the President and his advisers had known or had remembered the old rules of the diplomatic game, we would all be much better off today.

Furthermore, in their judgment of the immediate situation in the Far East and especially in Japan, they grossly underestimated the impact on Asian popular opinion of the U–2 and the renewed quarrel with Moscow. There is no use deluding ourselves, as Mr. Hagerty does, that the opposition to the treaty and to the President's visit was confined to a small minority of Communists incited and paid for by Peiping and Moscow. The preponderant opinion of any Asian country within the military reach of Russia and China is bound to be neutralist. When we urge them to be anti-neutralist, they respond by being anti-American, and it is a great error to act as if an anti-neutralist policy can rally popular support. In Tokyo mighty little has been heard recently from the alleged majority who are supposed to be for the treaty.

The treaty has nevertheless been ratified. But we must realize that we are not at the end of the story. It is a question whether the treaty can now be made to work against a mounting agitation. In fact, we have to ask ourselves whether a much greater disaster to our position in the Far East can be averted unless there is, as powerful Japanese newspapers are already demanding, a renegotiation of the treaty, and with it a reformulation of our Far Eastern policy.

Mr. GRUENING. Mr. President, a similar column, written by another distinguished columnist, Marquis Childs, entitled "The Asian Volcano Ready To Erupt," also published in today's Washington Post, expresses his forebodings. He begins by saying:

The sounds out of Asia are like the rumblings of a volcano about to erupt. The subterranean roar, breaking out into the open in Korea and Japan, is a deepseated symptom that American policymakers have in recent years either ignored or have failed to face up to.

They have believed that by backing "strong" men and providing military assistance for military pacts the line could be held. What is happening today, belies this comfortable assumption.

The easy explanation is communism—the Communists have been at it again. Certainly communism is the trigger. But an explosion could not be set off if in the mass there were not the potentialities for an outburst.

Mr. Childs concludes with the wise advice:

There are two ways to react to what is happening. One is to learn from it and to try to formulate new and more realistic policies to be carried out by those who understand what recent events mean. The other way is to belabor the Communist scapegoat, to go on ignoring the present trend away from the West—and to be shocked and surprised when the volcano erupts again.

I ask unanimous consent that the article by Mr. Childs be printed at this point in my remarks.

There being no objection, the article by Mr. Childs was ordered to be printed in the RECORD, as follows:

THE ASIAN VOLCANO READY TO ERUPT

(By Marquis Childs)

The sounds out of Asia are like the rumblings of a volcano about to erupt. The subterranean roar, breaking out into the open in Korea and Japan, is a deepseated symptom that American policymakers have in recent years either ignored or have failed to face up to.

They have believed that by backing "strong" men and providing military assistance for military pacts the line could be held. What is happening today belies this comfortable assumption.

The easy explanation is communism—the Communists have been at it again. Certainly communism is the trigger. But an explosion could not be set off if in the mass there were not the potentialities for an outburst.

In the view of this observer, America's China policy, ignoring the existence of 600 million people and hoping that something would turn up, preferably that long-promised internal revolution, is at the root of the trouble. The effect of the Chinese revolution throughout Asia has been incalculable. The material achievements of the Red regime, trumpeted by a powerful and uncreasing propaganda, have had a far-reaching influence.

Those achievements seem to the West to have come at an appalling cost in human values, reducing human beings to ants or bees entirely at the mercy of an all-powerful dictatorship. But in Asia, where all but a tiny fraction of the people live close to the hunger line and where "freedom" is only the vaguest word, this has nothing like the same impact. The mass of Asians see the highways, schools, research centers, modern weapons achieved by an Asian people who breathe defiance at the West.

The surprises for policymakers in Washington, such as the uprising that drove Syngman Rhee from Korea, are far from ended. Knowledgable analysts in the top echelon of Government believe that something like this may happen in the not too distant future in Vietnam. Or, at any rate, the potential is there to be fired by a Communist fuse.

It is a familiar situation. The head of the Government, President Ngo Dinh Diem, is a man of integrity and courage dedicated to a free Vietnam oriented toward the West. But recent reports indicate that grafting by officials of his National Revolutionary Party is reaching an intolerable stage. In some areas the Government exercises authority during the day and the Communists take over at night, as in the last phase of the French Indo-China war.

What is disturbing is to hear from State Department officials something like the following: Yes, there is graft. Perhaps it is not as bad as some sources represent it to be. Anyway, in the Orient you have to accept a degree of graft as a matter of course.

This was exactly what was being said by apologists for Chiang Kai-shek before the Communists triumphed in 1949 and drove Chiang and a remnant of his force to Formosa. Certainly in China the graft had reached an intolerable level, with members of Chiang's family amassing enormous fortunes as a ruinous inflation ran riot and contributed to the ultimate tragedy.

Graft in the Philippines is reported to be at such an oppressive level that some sources advised the President against visiting Manila lest he seem to sanction what is going on. Richard Dudman of the St. Louis Post-Dispatch staff, traveling with the President, reports that leaders of the opposition Liberal Party were kept away from Eisenhower, although the likelihood is that they will come to power in elections next year on a wave of discontent.

That illustrates one handicap of the personal diplomacy of these Presidential tours. The visiting American President sees only those sitting currently in the seats of power and he hears only their formal protestations of friendship at big, showy ceremonial functions.

There are two ways to react to what is happening. One is to learn from it and to

try to formulate new and more realistic policies to be carried out by those who understand what recent events mean. The other way is to belabor the Communist scapegoat, to go on ignoring the present trend away from the West—and to be shocked and surprised when the volcano erupts again.

Mr. GRUENING. Mr. President, likewise, in another category, is a moving letter which was published in today's Washington Post and Times-Herald. The letter was written by a Japanese student who is in Washington studying medicine. He said:

I like your country very much. One of the many reasons why I came all the way from Japan to study medicine in your country is because I wanted to have many good friends in this lovely country.

Then he discussed the history of the war, the peace treaty, and the renunciation of war by Japan. He ends with a conclusion adverse to the treaty, but which is revealing, because it supports the favorable sentiment in Japan, which is pacifistic, not communistic, but which is the natural reaction to recent history. He says:

America as a great country once taught Japan how to adopt a democratic constitution in her country. I do not believe that the same America teaches the same Japan now how to destroy it.

I ask unanimous consent that the letter be printed at this point in my remarks.

There being no objection, the letter was ordered printed in the RECORD, as follows:

BEHIND THE PROTESTS

I am a Japanese student visiting your lovely country in order to study at Howard University Medical School in Washington. I like your country very much. One of the many reasons why I came all the way from Japan to study medicine in your country is because I wanted to have many good friends in this lovely country.

I like America as well as my own country. Therefore, the major concern between the two countries is also my personal concern. For this reason, I am forced to mention my opinion about the United States-Japan military treaty, which is now going to create misunderstanding between the people of the two nations.

According to the news, it is said that the demonstration in Tokyo against the United States-Japan military treaty was the biggest and the toughest one that Mr. Hagerty had ever encountered in this life.

"More than 150,000 Japanese marched through Tokyo's broad downtown avenues for 10 hours Saturday * * *. Marching sometimes 30 abreast, columns—including workers, actors, artists, teachers, farmers, Communists, Socialists, and fanatical university students—paraded riotously. Buddhist priests, hymn-singing Christians and hundreds of women joined in." (Quotation from Washington Post, June 12.)

Reading this, it was hard for me to believe the demonstration was done only by a small group of pro-Communists. My strong feeling is that the demonstration was done by a majority of Japanese including all kinds of people. It was nationwide in scale. It may be difficult for most Americans to know the reason why such a demonstration of great scale was held.

I will try to explain that reason. The demonstration is in its essence nothing but the protest against the United States-Japan military treaty which was signed recently between the two Governments. The main reason why the Japanese people protest so seriously against this treaty is because it is against the Japanese Constitution for her to have such a treaty.

Some of the readers may not know this fact, but Japan adopted the new Constitution after the end of World War II. The most conspicuous feature of this new Constitution is the absolute and unconditional renunciation of war as a sovereign right of a nation, thereby outlawing the use of threat as well as of force itself as a means of settling international dispute.

Therefore, it is a matter of common sense for the Japanese people to demand their Government as well as American Government to cancel such a treaty. But their demand was refused with the reason that it does not represent the opinions of the majority Japanese.

However, since this demand does represent the opinions of the majority Japanese, such a large number of Japanese of all kinds are still seriously protesting against the United States-Japan military treaty. It is true that there is a small group of Communists who are participating in the protest. However, all the protestants are not the Communists. On the contrary, the majority of the participants in this movement are the pacifists. They are the ones who love peace. Because of this love for peace they are united with each other.

With this understanding, the only way for both American and Japanese Governments to solve this problem is to cancel their military treaty. Japan is determined to exist as a peace-loving country. Let her grow in that line. For Japan to have any kind of military treaty with any nation is against her Constitution. To respect Constitution is the vital importance for any democratic government to be survived.

America as a great country once taught Japan how to adopt a democratic constitution in her country. I do not believe that the same America teaches the same Japan now how to destroy it.

MITSUNOBU TOYAMA.

WASHINGTON.

Mr. GRUENING. Mr. President, we hope this treaty will not destroy Japan or destroy our friendly relations with Japan. We hope, on the contrary, that it will strengthen both nations and their relations. As the treaty is now written, I think we have no alternative. Let us hope for the best. Let us support the treaty with as large a vote as the conscience of the Senate will permit.

Mr. KEATING. Mr. President, the treaty of mutual cooperation and security with Japan now before the Senate for ratification is a truly historic document. Its importance is, of course, underscored by developments in recent days.

This agreement should mark a great step forward in the development of a strong alliance between the people of Japan and America. It is a milestone of cooperation between two sovereign, democratic nations. It represents a partnership between two countries which share a common interest in securing a free and peaceful world.

In replacing the 1951 treaty between Japan and the United States, the new treaty grants recognition to the changes which have taken place in the last 9 years regarding the relative position of the two nations involved. This is a treaty to which Japan has agreed as a free and equal partner, not one which was imposed upon her.

The agreement now before us eliminates many of the onerous burdens of the 1951 treaty. It removes the present authority of the United States to intervene in the internal affairs of Japan. Further, it deprives us of a right which the old treaty granted us; namely, the right to use our bases in Japan for purposes other than the defense of Japan against attack, without engaging in prior consultation. Now we can only use these bases for the defense of Japan, unless the Japanese Government agrees with us as to some further or other use.

This marks another concession to the Japanese, stemming from the change in the relationship between the two countries since 1951.

Surely the new treaty must be recognized as a symbol of the progress Japan has made in recent years. Why, then, has there been so much opposition to the treaty on the part of Japanese demonstrators in recent weeks? While it is clear that there is some sincere opposition from Japanese liberals of a neutralist bent who fear that the treaty may drag Japan into a military conflict of which she wants no part, it is highly likely that the impetus for the demonstrations has come from the Communists and Communist sympathizers who have used the treaty as a pretext with which to seriously threaten the democratic processes of Japan.

It is, of course, a bitter paradox that the Japanese should represent their pacifist sentiments by means of violent rioting and the establishment of conditions making impossible a good-will visit, a mission of peace, by the respected leader of another nation. That these demonstrators, a violent, extra-legal minority, were able to frustrate the will of the majority of the Japanese people and create a situation in which the safety of the President of the United States could not be guaranteed is truly unfortunate, more so for Japan than for us.

The participants in the riots were mainly hard-core radicals. The attack was led by the tough mainstream extreme wing of the student federation, many of whose leaders were expelled even from the Communist Party of Japan because of their violent activities and views. This group, combined with the party-line Communists representatives, and supported by Communist funds, have provided the spearhead of the demonstrations.

The constant agitation of the radio propaganda of Communist China and the maneuvering of the Soviet Union—such as the note sent to Japan attempting to intimidate the Japanese Government into abandoning its pro-Western orientation by warning them of the serious consequences of the Japanese-American treaty—have both worked relentlessly to arouse the radical elements in Japan to violent action. The obvious aim of such propaganda is the creation of a situation of chaos and anarchy, the sort of conditions under which Communists function most effectively.

All three of these factors—the highly organized way the riots were carried out, the extremist and Communist nature of the participants, and the constant agitation by the Soviets and

Chinese Communists—indicate that the riots were anything but spontaneous or representative of the will of any great number of Japanese.

It is hard to understand, however, why the demonstrations of a Communist-led minority were allowed to reach such proportions that they could not be controlled. In a genuine attempt not to repress dissent and to keep state police powers under restraint, the Government did not move against a clear threat to its authority until it was too late.

The situation is forebodingly reminiscent of the one in the 1930's, when the first attempt at democracy in Japan failed. A small and determined minority undertook a deliberate policy of assassination, in order to make democratic government impossible, and to hand over power to right-wing militarists. Today, a left-wing group is using violence and threats to destroy the government of the people. It would be tragic for Japan and for the world if the Communists were to succeed with this kind of tactic.

The future course of the Kishi government will not be easy. Members of Zengakuran, the radical student federation, greeted the postponement of the visit with cries of "We have won! We have won!" Even now, they are holding a huge victory parade. The next step in their campaign against democracy, so they have announced, will be to overthrow the Kishi government, obstruct the implementation of the Japanese-American security pact, and break off Japan's links with the free world.

The Kishi government will have to stand more firmly against that kind of mob rule. Many reports indicate that the majority of the Japanese people are ashamed of the radicals' action. Even more important, Japanese moderates are beginning to fear, for the first time, the force of a Communist conspiracy that could put their country into so shameful a position. There is still hope that the rioting may have the result of awakening the rest of the country to a more positive stand for democracy.

Mr. President, what can the United States do to repair the damage that has been caused to United States-Japanese relations? Mainly, of course, the task is up to Japan; and it is up to the Japanese moderates to support the Government they have freely elected. But we can help the forces of democracy in Japan survive. An immediate and unanimous ratification of the Japanese-American security pact will show that we, at least, are not to be intimidated by Communist machinations. We must continue to support, as fully as we can, the Kishi government or whatever government represents the free choice of the Japanese electorate. The present situation reveals only too clearly that freedom is in danger in Japan. It is a time for more, not less, United States support of the forces of democracy everywhere in the world.

With respect to the present treaty, we must be concerned with the effect it will have both on the Far Eastern defenses of the free world against the Communists and on relations between the United States and Japan. In these two vital areas, the treaty offers a noteworthy contribution. By granting us bases in Japan for at least 10 more years, and by strengthening the ties between the United States and Japan, as a result of our working together for mutual defense and our recognition of the equal status of the Japanese, the new treaty performs a vital function.

For these reasons, the treaty deserves support and ratification by the Senate.

We can hope, and not wholly without substance, that in the Japanese elections which appear likely to come in the not too distant future, the people of Japan will assert their respect for democracy, by vetoing the demands of the extremists. It would not be surprising to find that, in the long run, the violence and even the success of extremist action so far will undermine the extremist position, by making all the more clear the need for real democracy, and the threat posed to it, and by serving as a rallying point for the mobilization of other groups to political action. The victory of the extremists may well be their undoing. They may have won the battle, but they may well lose the war.

Mr. President, I hope the treaty will receive speedy and, as I have said hopefully, unanimous approval by the Senate.

At this time I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIRETAP EVIDENCE

As in legislative session,

Mr. McCLELLAN. Mr. President, on May 23 of this year I again brought to the Senate's attention the grave and crippling effect that recent court decisions and present Federal law are having on the administration of criminal justice in several States. I speak of those cases in the United States Court of Appeals for the Second Circuit holding that the introduction of wiretap evidence by State officials in State courts constitutes a violation of section 605 of the Federal Communications Act of 1934. These decisions, of course, are following the precedent laid down by the U.S. Supreme Court in *United States* v. *Benanti* (355 U.S. 96). In that case the Supreme Court held that wiretap evidence obtained by State officials under authority of State law was inadmissible in Federal courts. That decision was based, not on constitutional questions, but solely on the Court's interpretation of congressional intent in the enactment of section 605 of the Federal Communications Act.

I have always maintained that in the enactment of section 605 Congress never intended to obstruct or restrict State and local law enforcement agencies in their efforts to enforce criminal statutes, or prosecute and convict those guilty of crime. Therefore, on January 16, 1958, shortly after the Benanti case was decided, I introduced S. 3013, 85th Congress, 2d session. This bill would have amended section 605 of the Federal Communications Act of 1934 to authorize wiretaps by State officials and the use of evidence so obtained in State criminal proceedings when done in compliance with State law and under authority and direction of a State court order. I regret, however, that the 85th Congress adjourned before this bill could be fully considered and enacted.

On April 6 of this year the distinguished junior Senator from New York [Mr. KEATING], whose State law enforcement agencies have been most seriously handicapped by the Benanti case and the court of appeals' decisions following it, introduced S. 3340. With certain minor changes, the bill of the Senator from New York follows the language of S. 3013 except that it would amend title 18 of the United States Code, rather than the Federal Communications Act of 1934.

When I introduced S. 3013 in the 85th Congress, and also in my remarks on the Senate floor on May 23 of this year in support of S. 3340, I stated that the detection, investigation, and prosecution of crime, particularly organized crime, had been seriously handicapped and weakened by the Supreme Court's decision. I further stated that Congress should enact remedial legislation without delay. Failure to do so will only aggravate and compound the intolerable situation that has followed in the wake of the Benanti decision.

Subsequent to my statement on the Senate floor of May 23, I have received several communications from State officials which very vividly serve to confirm the validity and importance of my remarks.

One very pressing appeal comes in the form of a letter of May 31 and telegram of yesterday from Hon. Edward S. Silver, the district attorney for Kings County, N.Y. Mr. Silver is also president of the National District Attorneys' Association and chairman of the executive committee of the New York District Attorneys' Association. He declares that unless Congress enacts S. 3340 or some comparable measure, he personally will be forced to dismiss at least 200 criminal cases now pending in his district.

Mr. President, if he is forced to do this, due to the failure of Congress to act, it will serve as a windfall of immeasurable benefit to organized crime.

Mr. President, I ask unanimous consent to have printed as a part of my remarks at this point in the RECORD the letter from District Attorney Silver, to which I have just referred, together with the telegram I received from him on yesterday.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

BROOKLYN, N.Y., *May 31, 1960.*

HON. JOHN L. McCLELLAN,
Chairman, Subcommittee on Investigations, Senate Office Building, Washington, D.C.

DEAR SENATOR: Both in my capacity as district attorney of Kings County (Brooklyn) and as president of the National District Attorneys' Association, I want to express my deep thanks to you for your remarks in the Senate on wiretapping.

Unless, as you put it, Congress does something about it at this session, organized crime will have a field day and the law-enforcing agencies will be shackled from doing its job.

In my county, I have at least 200 cases that I'll have to dismiss unless Congress does something with these bills. I know that similar situations exist in other counties in our State. Just as important, we will have to discontinue many important investigations that are now in progress and disregard others that we would inaugurate if we were not hamstrung by Benanti.

Only recently from the Halls of the Senate came the statement that racketeering and organized crime is on the increase. There can be no question about that. At the same time, Congress has done nothing to give the law-enforcing agencies the tools with which to fight this very racketeering and organized crime with which they are so concerned.

I am mindful that you and some of your colleagues introduced in the 85th Congress a bill (S. 3013) which would have extricated law-enforcement agencies from the decision of the Supreme Court in the Benanti case handed down in December 1957.

In this Congress, Senator KEATING and Congressman CELLER have introduced companion bills (S. 3340 and H.R. 11589) which would accomplish the same result, but nothing has been done to move these bills along.

The National District Attorneys' Association in convention assembled on March 19 of this year, in Miami Beach, unanimously passed a resolution urging Congress to do something about this desperate situation.

Last year, I personally saw Senator O'MAHONEY and talked to him about the matter and I was encouraged by his point of view. Unfortunately, as you know, illness has prevented him from an active part in this work.

Our own Senator KEATING has been most helpful but he needs the help of his brothers if he is to accomplish anything.

I have been advised that Senator EASTLAND, chairman of the Senate Judiciary Committee, is favorably disposed toward S. 3340.

I can think of no one who knows more about organized crime and racketeering in our country than you do. I beseech you, on the part of law and order, to do all humanly possible to get these bills out of committee and passed by Congress.

It is unfortunate that this situation has been muddled by persons honestly concerned with civil liberties. Frankly, this situation is in no way involved with civil liberties. Under the laws as we have them in New York State, a district attorney must state under oath giving facts showing that the person whose wire he desires to intercept is engaged in criminal activities and he has reasonable grounds to believe that the interception of his telephone will produce evidence of his nefarious activities. It is only then that we can get a court order to intercept a telephone wire of one engaged in crime.

For 20 years, the 62 district attorneys in New York State have operated under our law and have never abused this privilege which is given to us by our State constitution and by our enabling statutes.

It might be of interest to you to know that the district attorneys in New York State have introduced more legislation to protect defendants' rights than the Civil Liberties Union or any bar associations. I can send you the details if you wish. We are jealous of our liberties as American citizens and all the imaginary ills that are raised are fully answered by 20 long years of experience in this State.

Again, let me say thanks to you for what you have done. I hope that with your interest and effort we can get something accomplished in this Congress on this most important problem to law enforcement.

With esteem and warm regards,

Respectfully,

EDWARD S. SILVER,
District Attorney, Kings County.

BROOKLYN, N.Y.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Investigations, Senate Office Building, Washington, D.C.:

Failure of Congress to act on wiretapping bill, S. 3340, creating grave crisis to law enforcement. Please refer my letter to you May 31, 1960. Unless action taken promptly I personally will have to dismiss at least 200 cases, as will district attorneys throughout this State. Vital investigation against racketeering and organized crime will also have to be discontinued. Recent Senate statement bewails fact racketeering and organized crime on increase. Failure to give this vital tool to those States that need it will be responsibility of Congress. No question that failure to act is green light to crime.

Respectfully submit this requires emergency action.

EDWARD S. SILVER,
District Attorney, Kings County; President, National District Attorneys Association; Chairman, Executive Committee, New York State District Attorneys Association.

Mr. McCLELLAN. Mr. President, another such appeal comes in a letter from the district attorney for the county of New York, the Honorable Frank Hogan. Mr. Hogan states that he will be unable to proceed with the prosecution of seven defendants involved in a multi-million-dollar narcotics business unless their telephone conversations, legally intercepted under New York law, can be used in the trial of the cases. He also states that a number of other investigations now in progress, and cases of utmost importance to his district, will also have to be abandoned unless S. 3340 is enacted during this session.

I ask unanimous consent that the letter from District Attorney Hogan be printed at this point in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRANK S. HOGAN,
DISTRICT ATTORNEY,
New York, N.Y., May 27, 1960.

Hon. JOHN MCCLELLAN,
U.S. Senator from Arkansas,
Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I have read and reread your urgent remarks, made this past Monday on the floor of the U.S. Senate, concerning the need for Federal legislation in the field of telephonic interception. I am certain that those of us throughout this Nation who are directly charged with responsibility for law enforcement are encouraged by the logic and reason and by the strength of your statement. We are deeply indebted to you. I wish there were some way that we might help you to impress upon your colleagues in the Congress the desperate plight in which law enforcement finds itself.

At present, some of the most significant work of my office is dangerously hampered by the cloud under which heretofore legal interception of telephone conversations has existed since the December 1957 opinion of the U.S. Supreme Court in *United States* v. *Benanti* (355 U.S. 96). The situation, as you noted in the Senate, has not since improved, and it is clear that we cannot look to our courts for improvement. Last month it deteriorated further with the decision of our Federal circuit court in the Pugach and O'Rourke cases.

We have now a number of vital investigations and cases pending with respect to which we cannot proceed further in light of these recent cases. These specifically include some important matters in the labor-management field in which you and your committee have so effectively functioned. There is another matter that may be of particular interest to your colleagues and their home communities in which our inability to proceed—and the reasons therefor—are already a matter of public record. In January of this year, after a lengthy investigation, we arrested seven defendants for their participation in a multi-million-dollar heroin business that they had been conducting in New York for some years. They all pleaded not guilty, and are presently out on bail, awaiting a trial date. That, however, may never be reached because the case against them is untriable if our legal interceptions of telephone conversations cannot be used in our State courts.

I am ready to review with you in detail other matters that have been halted because they also involve court ordered legal interception of telephone conversations, and which cannot be reactivated until the Congress acts to remove from the law an interpretation that the Congress never intended it to have.

In 1955, more than 2 years before Benanti, the chairman of the House Judiciary Committee stated, at a time when his committee was considering amendments to the Federal Communications Act:

"I think the general idea of this committee is that we would not interfere with the practices, the legal practices that obtained in the various States. So you can set your mind at rest as far as New York is concerned: that is New York's problem, and I don't think we would attempt to make the Federal statute, and I don't know that we could, paramount, if there are any restrictions inconsistent with the New York statute, and I am sure the New York State statute would prevail, insofar as New York is concerned."

I know that you have always believed and have repeatedly stated that section 605 was never intended to bar the States from authorizing wiretapping as a proper exercise of the State police power. In early 1958, when, joined with many of your colleagues of the Senate's Committee on Improper Activities in the Labor or Management Field, you introduced Senate 3013, you stated:

"When the select committee launched its investigation into the labor situation in the New York area, it did so, unaware of the extent racketeers had penetrated the Teamsters Union and certain other branches of organized labor in the nation's largest city. The committee and, I believe, the public was shocked at its revelations.

"What was portrayed was a picture of ruthless gangsters led by Johnny Dio and Anthony Ducks Corallo joining in an alliance with Jimmy Hoffa to seize control of the transportation industry in the Nation's largest and richest city. The control of this strategic economic area by unscrupulous gangsters presented, and continues to present, a threat to the economic security of this country. For the past 23 years, since the enactment of section 605, there was no question of the right of State authorities to authorize wiretapping to obtain evidence of serious crimes. This conspiracy would not have been presented in such clarity without the use of intercepted telephonic messages which were made available to this committee through permission of the New York State

Supreme Court and the offices of the New York County district attorney."

Recently, in hearings conducted in this city by our New York State Commission of Investigation, I took the liberty of quoting at length from your statement. Our commission, after listening to extensive testimony concerning the need for the legal interception of telephone conversations, went on record urging congressional action to permit the States to continue that reasonable exercise of their police power that Congress did not intend to ban.

If there is any way that I can bring to the attention of your colleagues in the Congress the host of instances in which important criminal conduct could not have been brought to the bar of justice were it not for court authorized interception of telephone conversations, I should be pleased to have such opportunity. With ever increasing public concern about organized crime, and with mounting crime rates, I find it difficult to believe our Congress can any longer fail to recognize this emergency, and can permit law enforcement to remain stripped of this important weapon.

Again my thanks to you for your great energies and understanding on behalf of fair and proper law enforcement, and my hopes that you will let me know how I may be of assistance.

Sincerely,

FRANK S. HOGAN,
District Attorney, County of New York.

Mr. McCLELLAN. Similar and equally urgent letters come from the Honorable Manuel W. Levine, district attorney of Nassau County, N.Y.; Mr. Stephen P. Kennedy, police commissioner of the city of New York; and Mr. Miles J. Lane, chairman of the New York State Commission of Investigation.

Mr. President, I ask unanimous consent that these communications be printed in the RECORD at this point, and I most respectfully urge immediate action by the Congress in response to and in accordance with the appeals of these dedicated State officials.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY OF NEW YORK,
June 2, 1960.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Jerry Adlerman, general counsel of the United States Senate Permanent Subcommittee on Investigations, over which you preside, was kind enough to send to me a copy of your statement placed in the CONGRESSIONAL RECORD on May 23, urging action in this session of the Senate on Senator KEATING's bill S. 3340, which would authorize law-enforcement agencies of the States to intercept telephonic communications pursuant to court order.

As stated by you, court-authorized interception by law-enforcement officers is an indispensable weapon in combating the machinations of the overlords of the underworld. All law enforcement applauds your efforts to make this weapon available to them in order to better safeguard the interests of the people.

I expect to be in Washington on or about June 8 and would greatly appreciate the opportunity to stop in at your office, if you are free, to further discuss the importance of this problem.

Faithfully yours,

STEPHEN P. KENNEDY,
Police Commissioner.

NASSAU COUNTY,
Mineola, N.Y., May 25, 1960.

Senator JOHN L. MCCLELLAN,
U.S. Senate, Committee on Government Operations, Senate Permanent Subcommittee on Investigations, Washington, D.C.

DEAR SENATOR MCCLELLAN: I am in receipt, from Jerome S. Adlerman, of the copies of the press release of your statement on the floor of the Senate on May 23, 1960, for which I thank you.

If you don't mind my saying so, I found the contents to be a concise, accurate, and intelligent summary of the facts and also the problems confronting all law-enforcement agencies. It is most heartwarming to have your support on this very important problem of wiretaps.

Yours very truly,

MANUEL W. LEVINE,
District Attorney.

STATE OF NEW YORK,
COMMISSION OF INVESTIGATION,
June 7, 1960.

Hon. JOHN L. MCCLELLAN,
U.S. Senator from Arkansas,
Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: On April 5 and 6 of this year, this commission held a public hearing concerning wiretapping in New York State. The purpose of the hearing was to inform the public of the serious law-enforcement problem that has arisen by virtue of recent court rulings relating to the effect of the provisions of section 605 of the Federal Communications Act on the admissibility in New York State criminal trials of evidence obtained through New York State court-authorized wiretaps.

The following prominent law-enforcement officials and other distinguished persons interested in this problem attended and presented their views at the hearing:

Frank S. Hogan, district attorney of New York County.

Edward S. Silver, district attorney of Kings County; president, National District Attorneys' Association.

Raymond C. Baratta, district attorney of Dutchess County; president, New York State District Attorneys' Association.

Joseph F. Gagliardi, district attorney of Westchester County.

Manuel W. Levine, district attorney of Nassau County.

Harry L. Rosenthal, district attorney of Monroe County.

Daniel Gutman, dean of New York Law School.

Anthony P. Savarese, Jr., chairman of the New York State Joint Legislature Committee on Privacy of Communications and Licensure of Private Investigators.

Stephen P. Kennedy, police commissioner of the city of New York.

Francis S. McGarvey, superintendent of the State Police of New York State.

Manuel Lee Robbins, counsel, Grand Jury Association of New York County.

Ferdinand Pecora, attorney and former justice of the New York Supreme Court.

Testimony received at the hearing was overwhelmingly to the effect that the administration of criminal justice in New York State is gravely affected by the recent court decisions and present Federal law. District attorneys from different parts of this State testified that investigations of great public importance, especially those dealing with organized crime in the fields of narcotics and official corruption, have been halted or seriously restricted. Whatever the problems of law enforcement in other States, it is undeniable that the authorities in New York State are confronted by a deeply serious crisis in their fight against organized crime in New York.

During our hearing, we were pleased to receive telegrams from Senator KENNETH B. KEATING and Congressman EMANUEL CELLER advising us that, jointly, they had introduced a bill in the Congress of the United States which would amend section 605 of the Federal Communications Act by exempting from its sanctions those States that provide for wiretapping by court order. Senator JACOB K. JAVITS also sent us a telegram assuring us that he will give every consideration to Federal legislation on this subject in the light of the requirements of New York. We are informed that the Senate bill, S. 3340, is presently pending in the Judiciary Committee.

The need for this remedial legislation is urgent. We respectfully request that immediate consideration be given to Senator KEATING's bill, as aforementioned, and that it be voted out of committee for action by the Senate during this session.

Your cooperation will be deeply appreciated.

Very truly yours,

MYLES J. LANE,
Chairman.

Mr. McCLELLAN. While the Supreme Court has placed the burdensome millstone of the Benanti case upon our law-enforcement agencies and courts of justice, it is now the responsibility of Congress to act to remedy this deplorable situation that favors the hoodlums, thugs, criminals, and underworld elements in our society, to the hurt and irreparable injury of law and order and human decency.

I shall, at the next meeting of the Senate Judiciary Committee, join with the distinguished author of the bill to which I have referred, S. 3340, in insisting that the committee report that bill favorably, in the hope that we can get it passed before this Congress adjourns. So long as we do nothing about this situation we are providing a virtual haven of protection for criminals which was never intended by the law the Congress passed.

Mr. President, if it is not a violation of the Constitution to go before a court of law and to make a showing that a crime has been committed and that the fruits of the crime, the stolen property, are in concealment in a home or in a place of business, in order to secure a search warrant to find the stolen and concealed property—if that is constitutional and is an essential instrumentality in our laws for the enforcement of law and order, against larceny and other crimes—then, Mr. President, it is my thought that comparable procedures should be established and made legal for the interception of telephone messages and communications which are made in pursuance of criminal activity. Unless we take such action, in line with the bill introduced by the distinguished Senator from New York, the enforcement of law in this country will seriously be impaired, and a burden will be placed upon law-enforcement agencies and upon the courts, which will simply be unable to discharge their responsibilities.

The only profit which will flow from the whole procedure will flow to the underworld characters and to those elements which have no respect for law and order and for decent society.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to my distinguished friend from New York.

Mr. KEATING. Mr. President, I am very grateful that the distinguished Senator from Arkansas has again brought to the attention of the Senate, as he did a short time ago, the imperative need for legislation along the lines of the bill which I have introduced. It is a very limited bill. It provides that when a State requires a court order in order to obtain a wiretap, after the court order has been obtained the evidence shall be admissible in the court despite the provisions of the Federal Communications Act.

The district attorneys of New York State are greatly exercised over this problem. Mr. Hogan, of New York County; Mr. Silver, of Kings County; Mr. Kennedy, the police commissioner; and the district attorneys of several of the other counties, as well as a number of other law enforcement officials of the State of New York, came to Washington, D.C., to talk with the New York congressional delegation about this matter.

The New York law permitting wiretapping by the district attorneys requires four things. First, they must sign an affidavit in which it is stated under oath that they have reason to believe they can get evidence of a crime. Second, they must set forth sufficient facts to justify the conclusion. Third, in applying for a court order they must subject themselves to examination by the court. Fourth, they must submit proof of reasonable cause if they wish an extension of the order, which is limited to 60 days.

The court, in the decision to which the distinguished Senator has referred, in the opinion of one or two of the judges, virtually invited the U.S. attorney to bring a criminal prosecution against the State district attorney if any effort were made to introduce wiretap evidence in court. There are literally hundreds of cases which it will not be possible to have prosecuted, some of them involving very serious crimes, unless some relief is obtained in this field, because, in the light of the decision rendered, the district attorneys are naturally very reluctant to proceed further. If the Congress adjourns without taking any action in this field we shall be directly responsible for jeopardizing several hundred criminal prosecutions in the State of New York alone. I do not know how many are involved in other States. We also shall succeed in exposing to criminal prosecution under the Federal law a number of State district attorneys who have done nothing more than to carry out the provisions of the New York State wiretapping statute.

Mr. President, the modern criminal has at his disposal means of communication and transportation which were completely unknown in an earlier period. The telephone, for example, provides him with an avenue of communication which is swift and comprehensive. Under present Federal law, as it has been interpreted, telephone communications are, in effect, privileged. One can go into court and obtain a court order to search a man's home or, indeed, to search his pants pocket. There seems to be no reason for saying that one should not be able to obtain a court order to tap a wire and to place the evidence taken before the court.

Mr. President, the Department of Justice in very strong language—in unusual language—has not only approved of the proposed legislation but states, "For these reasons the Department of Justice strongly recommends its enactment."

As my friend the Senator from Arkansas knows, it is not very frequent that one gets a letter from the Attorney General with the wording "strongly recommends" in it.

I am very grateful that the powerful support of the distinguished Senator from Arkansas has been brought to bear upon this problem. In behalf of all the district attorneys of the State of New York, who, as I say, are greatly exercised over this problem, I express to the Senator my gratitude for the interest he has taken in this problem. I shall certainly join the Senator at the next meeting of the Committee on the Judiciary in an effort to have reported this very limited bill.

It is probable that a more comprehensive bill should be enacted into law. I have introduced bills for many years on this subject. I introduced one in the House, to do two things: First, to tighten up on the "snoopers" who use wiretapping for improper purposes—business snooping upon labor, labor snooping upon business, husbands snooping upon wives, wives snooping upon husbands, and that sort of thing; and second, to permit law-enforcement officials operating under the provisions of State law to use this weapon, and to prevent the telephone from being a privileged sanctuary for the criminal.

I realize that the broader proposal probably requires more debate. It is a controversial subject. The very narrow bill, which the Attorney General has so vigorously supported, which is so strongly supported by the distinguished Senator from Arkansas, I hope will become law before the present session of Congress is over.

SUPPLEMENTAL DEPARTMENT OF LABOR APPROPRIATION, 1960

Mr. HAYDEN. Mr. President, as in legislative session, I ask unanimous consent that the Presiding Officer lay before the Senate, House Joint Resolution 765, making a supplemental appropriation for the Department of Labor for the fiscal year ending June 30, 1960, and for other purposes, just received from the House of Representatives.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 765) making a supplemental appropriation for the Department of Labor for the fiscal year ending June 30, 1960, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 765.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAYDEN. Mr. President, this joint resolution passed the House of Representatives today. It appropriates $6 million for unemployment compensation for veterans and Federal employees. The $6 million recommended in the resolution represents a more recent and accurate estimate of actual requirements. These funds are required to prevent the stoppage of payments to unemployed workers the latter part of this month.

This is a statutory obligation of the United States and these payments must be made.

I have conferred with members of the Committee on Appropriations on this matter and we are all agreed that the joint resolution should be passed.

Mr. President, I move that the joint resolution be passed.

Mr. DIRKSEN. Mr. President, will the distinguished chairman of the Committee on Appropriations yield?

Mr. HAYDEN. I yield.

Mr. DIRKSEN. I presume these items are lifted out of the supplemental bill because of their urgent nature and brought in as separate items in a special supplemental appropriation bill.

Mr. HAYDEN. That is undoubtedly why the House took the action it did.

Mr. President, I ask unanimous consent to have printed in the RECORD the justification submitted by the Department of Labor, as well as a memorandum prepared in the committee and the House report.

There being no objection, the justification and memorandum were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL DEPARTMENT OF LABOR APPROPRIATION, 1960 (REPT. NO. 1919)

The Committee on Appropriations to which was referred the House Joint Resolution No. 765, making a supplemental appropriation for the Department of Labor for the fiscal year ending June 30, 1960, and for other purposes, reports the same to the House without amendment and with the recommendation that the joint resolution be passed.

The President submitted a supplemental budget estimate of $8 million for unemployment compensation for veterans and Federal employees for the fiscal year 1960 in House Document No. 384. The $6 million recommended in the resolution is based on more recent and accurate estimates of actual requirements.

This appropriation item finances payments to unemployed veterans and Federal employees which are made through State agencies as authorized by title XV of the Social Security Act. When the departmental witnesses testified on the 1961 budget in January it was expected that $5 million of the $125 million appropriation for the current fiscal year would not be needed. The situation has recently changed drastically for the surplus has been used and this special enactment is required to prevent the stoppage of payments to unemployed workers the latter part of this month.

MEMORANDUM ON HOUSE JOINT RESOLUTION 765, MAKING A SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR FOR FISCAL YEAR ENDING JUNE 30, 1960

The budget estimate for this item "unemployment compensation for veterans and Federal employees" was $8 million. The House has allowed $6 million, a reduction of $2 million, suggested by the Department of Labor.

The Department advises that this allowance will be adequate, and furnish the attached table, based on more recent data than that furnished the House committee. It will be noted that they anticipate an actual need for benefit payment of $2,906,499, and contemplate a need for $1 million in the "pipeline," or $3,906,499. The House allowance is then some $2 million more than actually required, but the funds will remain available for fiscal year 1961, the appropriation for which in the regular bill is $5 million under the estimate.

SCHEDULE ON SUPPLEMENTAL APPROPRIATIONS AND REVISED ESTIMATES

Appropriation title: Unemployment Compensation for Veterans and Federal Employees.

Agency: Department of Labor, Bureau of Employment Security, date, Apr. 27, 1960.

1. Present appropriation or estimate	$125,000,000
2. Additional amounts available: Recovery of prior year obligations	+6,530,246
3. Total amount available for obligation 1960	131,530,246
4. Obligations:	
1st 10 months	113,193,415
Estimate for May	10,543,330
Estimate for June	10,700,000
Pipeline	1,000,000
5. Total actual and estimated obligations	135,436,745
6. Less total amount available	131,530,246
7. Revised estimated supplemental required	[1] 3,906,499

[1] It is urgently suggested that the amount of the supplemental be not less than $6 million due to difficulty in being precise and due to fact that any unused balance will carry over to 1961.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 765) was ordered to a third reading, read the third time, and passed.

MEDICAL CARE FOR THE AGED

Mr. HUMPHREY. Mr. President, the Governor of Minnesota, the Honorable Orville L. Freeman, recently delivered the keynote address at the second annual Institute on Aging at Gustavus Adolphus College in St. Peter, Minn.

In this outstanding speech, Governor Freeman discussed the urgent problem of financing medical care for our older citizens and called for a program using our tested social security system to provide medical care as a matter of right, and not as a result of a means test with its degrading effects on the self-respect and self-reliance of our senior citizens.

Mr. President, I ask unanimous consent that excerpts from Governor Freeman's speech relating to medical care for the aged be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

FINANCING MEDICAL CARE—AN IMMEDIATE PROBLEM

There is one major problem in the field of aging that is today the subject of much discussion and controversy. Representatives of the Department of Health, Education, and Welfare have stated that the most important issue that will be before the White House Conference in Washington is that of financing medical care for the aging. This is an issue to which I have given long and careful study, and on which you will consider making recommendations.

You will, of course, make those recommendations as a result of careful study. But because I regard this issue as so important, because of its human and social significance, and because it is controversial, I am asking that you consider my recommendations on this subject as a part of your study. I present them to you in the hope that you will give them the same kind of serious consideration that I intend to give to your recommendations in the entire field.

The problem of financing health services for the aging has been an urgent problem for many years. Its urgency is increasing with each passing year because of several factors. (1) The numbers of people over 65 years of age are constantly increasing. (2) As medical science progresses the potential benefits from preventive measures, from medical care, from rehabilitation services—in fact, from all kinds of health services—are constantly increasing. (3) The costs of these services constantly increase because of the shift to chronic illnesses of long duration, the increase in disabling aftereffects, the need for steady use of costly drugs and medicine, and because of the value of long-term rehabilitation care and for medical social services. (4) These increases have not been matched by anywhere near a comparable increase in the financial ability of the aged. Census estimates indicate that 60 percent of aged individuals have annual incomes of less than $1,000, and that half of the families with aged heads have annual incomes of less than $2,600.

But you are all familiar with the general picture of the problem. At the time of life when incomes are substantially lowered, the costs of adequate health care and the need for that care are substantially increased.

No one with a sense of social responsibility denies that in this problem lies an urgent need that society must meet. Yet the subject is regarded as an extremely controversial one because of disagreement as to how it should be done.

I believe that this is the kind of controversy that must be faced. The human values involved demand that we take a stand. The health and happiness of millions of senior citizens preclude any further continuation of a wait-and-see, trial-and-error experimentation. In the interest of humanity, we ought to take a stand for action now.

A year and a half ago, I presented this problem to the House of Delegates of the A.M.A. when it met in Minnesota. At that time I appealed for the help of that organization in working out an adequate program.

The A.M.A. continues to express the hope that the so-called voluntary approach with some form of insurance could meet the need. Yet the highest current estimate of how many aged now have hospital insurance of all kinds is about 6 million, or 40 percent. And even this insurance does not begin to fulfill the health needs of those who are insured.

The most reliable projection, by the Department of Health, Education, and Welfare, of how many aged persons will be protected by any kind of voluntary insurance by 1965 indicates that by that date: 9 million can be expected to have some kind of insurance; 6 or 7 million will have no insurance protection; about 2 million will be on public assistance, and thus be eligible for some medical care through a means test.

The projections indicate that millions of older people will have no coverage or inadequate coverage, and that very few will have coverage that is sufficiently comprehensive to provide the health care they really need.

In considering this projection, it seems to me that two conclusions are inevitable.

First, that private insurance programs, through no fault of their own but rather because of the inherent nature of insurance, cannot meet the need. Premiums sufficient to pay for really adequate coverage for the aged, as a separate group, would be prohibitively high. Yet the principle of insurance is sound, and the actuarial burden can be carried if it can be applied universally and the costs paid over each person's years of employment.

The second conclusion follows: Such a program of universal application, to be paid over a long period, can be carried out most effectively through the OASDI system of the Federal Government.

A program thus developed under our social security system would provide our senior citizens with medical care as a matter of right, and not as the result of a means test, with its especially cruel effect on older people who particularly need a feeling of self-respect and self-reliance. It should further be extended to cover, as nearly as possible, all retired people. It should include preventive medicine and rehabilitation programs, hospital care and nursing home care, home health services, some assistance in paying for expensive drugs, and some provisions for continuous research and experimentation.

Such a program would make use of a social security system that has already proved its value in the field of retirement pensions. It would operate at administrative costs much lower than those of private insurance plans—the OASDI program now operated at less than 2 percent of its premium income. It would enable those covered to pay for their protection as they earn. And it would be no more compulsory than the national administration's present proposal, since the only compulsory part of either proposal is the taxation required to pay for them, and it is no more compulsory to tax payrolls than to tax incomes and other sources that make up the general revenue.

Before making a decision in favor of the financing of medical care for the aging through our social security system, it is essential to consider objections to such a proposal.

One objection I have heard is that, in Minnesota, the needy aged now have adequate medical care, paid for under our old-age assistance program. I believe that Minnesota does have one of the best programs for the care of the needy aged in the Nation. But this program is available only to those on old-age assistance, only to those who pass a means test, only to 1 out of 6 Minnesotans who are over 65 years of age.

What about the other five-sixths? What about those who are retired on very moderate pensions, for whom a serious illness is a major economic catastrophe? What about those increasing numbers of Minnesotans who are retired on pensions sufficient

to meet their needs only as long as they stay well? Let's note these Minnesota figures: In 1948 we had 53,000 people receiving old-age assistance, of whom 5,000 received it for medical care only; in 1959 we had 47,000 on old-age assistance, of whom 25,000 received it for medical care only; in 1948 this medical care cost us $3,300,000; in 1959 it cost us $18,-738,000.

What about those countless, and uncounted, senior citizens, retired on limited incomes, clinging to their self-respect and their feeling of independence, who fail to seek medical care early in the game when it might help them most, because they know their incomes will not cover such care? I know there are many of these, for many of them write to the Governor.

I believe that the facts and figures overrule the objection that people in Minnesota do not need the kind of financing of medical care for the aged that I have described.

Another objection I have heard is that, under such a social security program the very wealthy aged, who could well afford to pay, would also be covered. This objection is not hard to answer. In the first place, there aren't very many aged people who are that rich. In the second place, they would probably seek and get care far beyond the minimum that a program under social security would provide. And in the third place, this objection goes contrary to well-established American principles. The very rich can, and frequently do, send their children to our public schools, even though they could well afford to pay for private schools. They use our parks and playgrounds. It is the American way to provide and make available to all those services that are regarded as essential.

Now let's turn to an objection that seems to be the most fearful of all—the objection that such a program might be socialized medicine. What about this objection?

Well, what is socialized medicine? This term apparently means different things to different people.

One answer might be that socialized medicine is the providing of medical care through some branch of government. Yet that definition is inadequate for our purpose, because we all take it for granted that government should provide medical care in certain cases, as, for example, in tuberculosis and mental hospitals. We in the United States have asked for and have thoroughly accepted this principle for so long that I feel sure that the most ardent opponents of socialized medicine, by whatever definition, would not ask that government cease that function.

This confusion about the meaning of the term "socialized medicine" is most unfortunate. The term in itself often arouses violent and sometimes emotional disagreement among some who do not agree on what they are disagreeing about. Semantics then becomes almost as important as substance. We can lose sight of real problems and real issues in our confusion about the meaning of words. I often wonder whether a misunderstanding about the meanings of terms does not often create as much conflict and disagreement as is created by an actual difference in opinion and judgment. It would be tragic to permit such misunderstandings to delay our progress toward meeting real human need.

In the United States we have traditionally decided questions relating to what services government ought to provide on a pragmatic basis rather than on the basis of an ideology or an "ism." We ask, "Is it needed?" and "How can it be done best?" Let me illustrate briefly.

When Americans, more than a century ago, decided that education should be free, universal, and compulsory they made this decision without considering any "ism" or asking whether they should adopt socialized education. Government provided schools simply because that was the only way they could be made available to all.

When government provided hospital and medical care for the victims of long, expensive, chronic ailments, such as tuberculosis and mental illness, it did so for similar reasons. It was socially desirable that the people suffering from such ailments be given care and treatment. Very few could afford such long and expensive care. The people asked government to provide it, because that was the only way it could be made available.

The same principles hold true, I believe, in all other areas where government performs functions relating to medicine. Government provides a substantial share of the cost of educating doctors because it is socially desirable and necessary. Government carries out those public health functions that could be performed adequately in no other way.

In other words, government is not some outside power seeking to aggrandize itself by taking over more and more functions. On the contrary, government in a democracy, by the very definition of the term, is the institution through which the people seek to make sure certain needs are met that are not adequately met by other means.

It is this attitude toward government meeting the needs of the people that I believe has impelled such varying—and unsocialistic—sources as a lead article in the Harvard Business Review, an editorial in Business Week, and an editorial in Life magazine to support the principle of financing medical care for the aging through our social security system by means of payroll taxes.

It is with this attitude toward government that I hope that you will consider my recommendation of this same principle.

Certainly a society with the great resources we have in both material goods and scientific talent cannot leave the health and happiness of our senior citizens to chance. Certainly we must do all we can to make most effective use of the public expenditures that are necessary to insure that our older citizens will receive health care and services of the highest quality.

I believe that by financing such programs through social security, we can achieve not only the highest degree of fiscal responsibility but, even more important, the highest degree of social and moral responsibility.

PUBLIC DEBT AND TAX RATE EXTENSION ACT OF 1960—SENATOR HUMPHREY'S VOTE ON H.R. 12381

Mr. HUMPHREY. Mr. President, yesterday I was necessarily absent from the Senate when action was taken on H.R. 12381. I wish the RECORD to show that had I been present when the committee amendment to eliminate the 10-percent tax on local telephone service was considered and voted upon, I would have voted "yea." My position on the amendment was inadvertently not included in yesterday's RECORD.

I also wish to have the RECORD show that had I been present and voting I would have voted "yea" on the amendment offered by the junior Senator from Wisconsin [Mr. PROXMIRE] to provide for withholding income tax on dividends and interest.

I wish to add that the Treasury has estimated that some $5 billion of income in the form of dividends and interest goes unreported in this country. Surely, since we have withholding of taxes on wages and salaries, the Government can design a program to withhold taxes on dividends and interest.

I believe this is the most flagrant loophole in the tax laws and ought to be closed and closed quickly. In so doing, the Federal can retrieve or collect substantial sums of income tax for the necessary activities of the Government without having to run the risk of deficit financing or to add additional excise taxes on consumer items, which taxes are within themselves regressive and, I believe, unfortunate for the economy.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LONG of Louisiana. I regret, too, that the Senator was not present because in years gone by the Senator has voted for amendments to increase Federal funds for the needy.

Mr. HUMPHREY. Yes, indeed.

Mr. LONG of Louisiana. Those votes have oftentimes been close. I recall that one was decided on a tie vote. Unfortunately, the Vice President could not be present at the time to register his position, but because it was a tie vote the amendment failed to prevail. The Senator from Minnesota [Mr. HUMPHREY] was present on that occasion to vote in favor of that measure. Last night his vote would not have made too much difference because I believe the proposed amendment lost by a few votes more than one. However, I think the Senator would have voted to increase welfare payments for the 5-million-and-some-odd-thousand people in the land who are classified as needy.

Mr. HUMPHREY. As the Senator from Louisiana knows, I have been in favor of such an amendment and feel it is one that is really needed. I have always supported the Senator's activity in behalf of the amendment of which he speaks. It is one of the finest parts of his legislative record and I wish to compliment him for it.

TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

The Senate resumed the consideration of Executive E, 86th Congress, 2d session, the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington on January 19, 1960.

Mr. HUMPHREY. Mr. President, there has been a long debate today on the Treaty of Mutual Cooperation and Security with Japan. I offer a few remarks relating to that treaty, expressing my concern about it, and at the same time attempting to point out what I believe to be some of the more rewarding aspects of the treaty.

First, we have gone through a rather difficult period in American-Japanese relations. I was one of the Senators who had grave doubts as to the wisdom of the President's proposed visit to Japan. I had these doubts because I felt that with riots taking place, the conditions of violence, in the streets of Tokyo indicated that a visit by the President could well result not only in embarrassment to the President as a person but also embarrassment and humiliation to the office of

the Presidency, even leading to a grave international incident.

I expressed those doubts and said that the President should not go to Japan unless the Japanese Government could give positive, absolute guarantees of security and safety. Then I said that I doubted that it could do so.

It was my view that the mobs or the crowds of people that were rioting and carrying on in the streets were larger than our Government had estimated. It was my view that the Kishi government either was not able or was not willing to take the measures that were necessary to control these riots; and, therefore, for the President of the United States to visit the capital of Japan under those circumstances would be unwise.

Also, as has been pointed out in the Senate, the proposed visit of the President was tied in with the stability of the current regime in Japan, the so-called Kishi administration. I doubted very much whether the President of the United States ought to become identified with any particular regime, but rather a visit by the head of state should be one to all the people of Japan and not to a current parliamentary majority.

As we found out later, the Government of Japan withdrew the invitation, and it did so for the reason that it was felt that the President's safety could not be guaranteed and that a visit might result in very embarrassing circumstances.

I might add that the State Department indicated at all times that the visit should take place. It was, apparently, poorly informed as to the conditions in Tokyo.

Today the headline in the Washington Evening Star is "Error on Japan Treaty Conceded by Herter." The story goes on to say that the Secretary of State admits that the State Department and the officials of our Government underestimated the attitude of the Japanese people, underestimated the size of the demonstrating groups, underestimated the degree of violence and turmoil that existed in Tokyo and other parts of Japan.

Many of us in the Senate receive letters from friends in Japan who are acknowledged students of Japanese affairs, and the letters I have reecived, almost without exception, told me that these were very perilous days in Japan and that a visit by the President could result only in further aggravation of the problems. That is all past now.

The next point that came up was whether we should ratify, and, if so when, the Treaty of Mutual Cooperation and Security with Japan which was negotiated this fall. The senior Senator from Minnesota was one of those who cautioned that we should proceed slowly and carefully. I said so in the committee and also said so over the television and radio and in public statements. I felt that the insistence of the State Department last week that we should proceed at once with the ratification of this treaty could result in very serious international problems. I believed that were we to ratify it immediately, as we were requested to do, the Government of the United States would be accused of having forced something upon the Japanese people prior to the final act of ratification by the Japanese Government.

Of course, as we know, that final act of ratification was the fact that the Japanese Diet was not dissolved, and the treaty went into effect on a date certain by the fact that the Government was still in power. So we have delayed.

I commend the majority leader and those responsible in the Senate for our leadership in having delayed the act of ratification. It was a wise decision and one that I supported and encouraged.

It would be unwise for the greatest power on the face of the earth, the United States of America, to act as if we had to take hasty action, by ratifying a treaty with a government that was unable to maintain law and order in its own country. The plea was made to us that ratification at once was important to stabilize the political situation of Japan. To me, this had no merit, since the treaty itself was a bone of contention in Japan.

I do not believe that ratification last week would have stabilized the situation. I believe it would have aggravated it. I am not at all sure that even now ratification of the treaty will tend to stabilize the political situation in Japan. In fact, there is reason to believe a further delay in ratification until after the Japanese elections would be advisable. The Senate would be well advised to act on this treaty in terms of what is in our best interest, not in terms of what the political interest is in Japan. We have a great many second guessers around here, Monday morning quarterbacks, who seem to be figuring out what is going to happen in Japanese politics.

The truth is that the demonstrations in Tokyo were not all anti-American nor were they just Communist demonstrations. The American President became involved in Japanese politics by the fact that the trip was being made at a time when the Kishi government was in serious trouble. This trouble was due in part to the manner in which it had gained ratification of the treaty in the lower house. The treaty was ratified at a time when certain deputies in the lower house of the Japanese Diet had walked out. This was considered to be a sort of tricky and slick way of getting ratification of an important document such as a treaty between two great countries. Then, too, the Kishi administration was under attack from the Socialists and others over fiscal, labor, and defense policies. The projected visit of President Eisenhower and the treaty were but added fuel to an already smoldering fire.

So we became involved in domestic Japanese politics. That is something we ought to get out of right away. The political situation in Japan is an uncertain one. I do not believe that the United States Government ought to aline itself with one poltical party or another. I believe that we should direct our efforts toward trying to have a treaty between the Japanese nation and the United States regardless of the kind of elected government is in power in Japan. I emphasize elected government, because I do not believe that the Communists are going to elect any government in Japan. If the Communists take over the government in Japan, it will not be through the process of election, but through the process of force and violence. The best we can do is encourage the strengthening of parliamentary institutions.

But, the proposed treaty is better than the current situation. The pending treaty is the result of the desire on the part of responsible persons in Japan to get away from the occupation status and get away from an earlier treaty that was consummated some years ago, when Japan was looked upon, in a sense, as a conquered nation. Japan today is one of the great nations of the world. She is without doubt one of the largest industrial nations of the world. We would therefore be very foolish if we did not take into consideration that, while Japan may not have a big army or military establishment, because it was limited by her Constitution, that Japan is a strong nation industrially. The strength of a nation is not in the power of its armed forces alone. The strength of a nation lies in its economy. Japan's economy is a vital sector in the economic life of the free world.

Therefore, when we look upon Japan as an ally, we should not see her merely in terms of her military forces. We must recognize her for the economic and social system she has developed. It has been said that Japan has no troops and no navy and no air force. This, in a sense, is true. It has what we might call police units. There has been a good deal of stretching of that provision in her Constitution prohibiting any military establishment. She is denied military forces but permitted to have substantial police or security forces.

But Japan today has one of the largest merchant marines in the world. Japan has one of the largest industrial complexes in the world. She has one of the largest and most able and skilled labor forces in the world. She has great managerial talent, and vast productive skill and capacity. This makes her a good ally—a strong nation.

I would hope that the treaty, not merely its military aspects, but those parts which encourage economic cooperation and economic consultation, will tend to strengthen the relationships between our two great countries.

In the discussion of this treaty, we have pointed to the minority in Japan, which caused the violence and the riots. We should also point to the majority in Japan, which has been hard at work doing its job of rebuilding the country and expanding the markets of the country with the rest of the nations of the world, and competing with other nations and, indeed, with our own country, and, making for Japan a solvent and productive economy.

After all, the Japanese people are an exceedingly capable and energetic people. It is to the advantage of the free world that the Japanese economy be a vital, viable, and productive economy.

If this treaty contributes to such a development then it makes a contribution to mutual security.

Mr. HUMPHREY. Mr. President, I call to the Senate's attention, while this is essentially a treaty of a military nature, it also provides for other forms of cooperation. It is my view that the cooperation which is underlined in the treaty does much to cement the relationships between Japan and the United States.

I should like to make one or two other observations, as we consider the articles in the treaty. I hope that the legislative history will be perfectly clear that there is considerable emphasis in the treaty on the Charter of the United Nations.

Take, for example, article I:

> The parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

Then the article goes on to state:

> The parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

Also, I call attention to article VII of the treaty:

> This treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

The treaty also provides, in article V, relating to the possibilities of armed attack:

> Each party recognizes that an armed attack against either party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.
>
> Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article V coupled with article IV has special relevance to the possibility of trouble that may lie ahead. Article IV reads:

> The parties will consult together from time to time regarding the implementation of this treaty, and, at the request of either party, whenever the security of Japan or international peace and security in the Far East is threatened.

Mr. President, I have read these portions of the treaty because I want the record to be clear that the treaty is not written to bypass the Charter of the United Nations, but rather to implement it, and that our obligation is to the Charter of the United Nations, and so is that of Japan.

The purpose of the treaty is to strengthen the security articles of the Charter, those provisions of the Charter of the United Nations which provide for international peace and security, particularly in the Far East, and, indeed, all around the world. Article IV calls upon the parties to consult from time to time regarding the implementation of the treaty. I hope this article might also be interpreted to call upon the parties to consult from time to time as to what, if any, modifications may be needed in the treaty.

I am of the opinion that in the long run the treaty will require rather substantial modification, particularly as it relates to the presence of American nationals in Japan, and as to the presence of American bases in Japan, and the rights with respect to those bases.

Finally, it seems to me that the whole concept of our foreign policy in the Far East requires a very careful reexamination and, I should say, reorientation. There has been a tendency of late to build a foreign policy in the Far East upon the uncertain foundation of military alliances. Too little has been done in terms of regional economic development and of regional, cultural, and economic cooperation. All too little has been done in terms of consultation with our partners in the Far East.

I feel that the sentiments expressed by the Senator from Oregon [Mr. MORSE] relating to the use of the facilities of the United Nations, as well as consultation by the United States with our allies relating to the treaty in the Far East, is a very pertinent observation. The United States has sought to conduct foreign policy in the Far East as if it were a bilateral arrangement, with the exception, I should say, of the SEATO countries; and even in the Southeast Asia Treaty Organization, we emphasize the military over and above that of the economic, cultural, scientific, and educational.

I feel that military power in the Far East is only one of the many factors which must be considered for an effective foreign policy in that area of the world. I know that we must have close working relationships with Japan, which is a major industrial nation. I also know that if we are to have relationships with Japan, we must be willing to make concessions.

As was pointed out today by the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] and by the distinguished Senator from Montana [Mr. MANSFIELD], the assistant majority leader, the area of Japan is smaller than the State of Montana but, as was said by the Senator from Montana, it has a population of almost 90 million, and a population increase of from 1 to 2 million every year. Japan has limited natural resources. About 60 percent of its land is tillable or usable for agricultural purposes.

Yet Japan as a nation must survive. Its possibilities to survive lie in trade and production. They lie in the development of education, of skills, and of science. It is in these categories that the strength of Japan will be found. It seems to me that we in this country should recognize that in our foreign policy.

I do not want Japan to fall into the orbit of the Communist powers. If Japan were to be communized, to be taken over, or in any way to become what might be called effectively neutralized toward the Communist orbit, such a development would have a decided effect upon the power relationships in the world.

Japan is a vital link in the security system of the free world, if we look upon the security system as one which relates not only to military power, but also to economic, cultural, scientific, and political power. It is in that spirit that I believe this treaty performs a valuable service.

This treaty is a better one than the treaty which now is in force. This treaty provides opportunity for revision. It is of 10 years' duration—a limited period permitting changes.

If the Government of the United States will implement this treaty by regarding Japan as an equal and by giving Japan, as well as other countries, qualitative recognition, not just quantitative recognition, then, indeed, this treaty can serve a very useful purpose.

I believe it would be wrong to ignore the arguments made today by some of our colleagues who have said this treaty would have no effect if an unfriendly government were to develop in Japan. Accordingly, it is in our national interest to take such action as we can to encourage, at least, a responsible and friendly government in Japan. I believe one of the ways we can do so is to look upon Japan as a partner, not as a faraway place. We need to look upon Japan in the way that we look upon the Philippines or any other friendly country—as a friend and as a partner in fact. When I say a partner, I mean a partner in consultation and in economic, cultural, scientific, military, and political cooperation, a partner which at times will disagree with us, but at other times will agree with us.

I hope we shall use the treaty to strengthen the participation by the United States and by Japan in the United Nations, because I believe the United Nations to be peculiarly well adapted to dealing with some of the problems of the Far East; and I hope we shall look upon the United Nations and its related agencies as very significant parts of our foreign-policy machinery as well as our foreign-policy program, in dealing with the nations of the Far East and their problems.

I urge that we call upon Japan to take a responsible role in terms of foreign aid in the Far East. It seems to me the time has come for the United States to stop thinking it, alone, can pay all of the bills. We should call upon a prosperous Japan to make her contributions to economic recovery in the friendly and free nations of Asia, Africa, and the Middle East. We should also be calling upon Western Germany to be doing the same—both former enemies, both today our allies and friends. Both of them have made phenomenal economic recov-

ery. Both have received liberal economic aid from the United States. Now the time is at hand for the Western European nations and the nations of Asia which have the means to do so to take on their share of the responsibility and to do their part in giving economic assistance and technical assistance to the other nations of the world.

Therefore, Mr. President, this treaty can be a forward step in closer cooperation between the United States and Japan on matters even more significant than military matters. This treaty can be an indication, at least, to the people of Japan that we in the United States want a working relationship with them on many items on the international agenda.

I am of the opinion that Japan can offer us much guidance in the field of disarmament, for example; and we should be calling upon Japan to take the lead in the Far East in encouraging disarmament. We can call upon her to provide a good deal of active participation in giving technical assistance to the so-called emerging countries of Asia, Africa, and the Middle East; and we can call upon Japan to render aid in the field of science and education. Certainly we should do so. I believe it can best be done through the multilateral agencies we have developed thus far in the United Nations.

Today, one or more Senators have expressed concern over the fact that this treaty requires the United States to come to the defense of Japan, in the event she is attacked, but does not require corresponding action by Japan in the event the United States is attacked. Of course, the treaty simply faces one of the facts of life—namely, that if Japan is attacked, such an attack will vitally affect the security of the United States. If that would not be the case, we have no business having military commitments in the Far East. We have military commitments, for instance, with the Philippines, and within the week those commitments have been reaffirmed by the President of the United States; and we have military commitments by treaty with Nationalist China, on the Island of Formosa; and we have military commitments with South Korea. So it goes without saying that an attack upon Japan would be an attack upon the United States and her allies in Europe and in Asia.

Therefore, Mr. President, although the treaty does not, in a sense, require the Government of Japan to come to our aid immediately, in the event of an attack upon the United States—although, it does require immediate consultation and the following of the constitutional processes—the treaty does require assistance by the United States in the event of attack upon Japan. The reason for that is quite obvious. The Japanese Constitution contains a prohibition against large military establishments. That constitutional provision was established with our insistence and the desire of the people of Japan.

I repeat that I believe that Japan's best contributions to freedom and security in the world today can be made in areas equally significant to the military.

However, I feel that the United States of America, by reason of her long-term commitments in one country after another around the world, particularly in the Far East, has a unique responsibility as regards Japan.

Mr. President, although there may be weaknesses in the treaty—and some of them have been referred to this afternoon—and although the treaty has limitations, and although the treaty might never become operative if an unfriendly government were to take over in Japan, certainly this treaty is at least an expression by the Government of the United States that it would like to normalize the relationships between the United States and Japan; and the treaty provides means for further discussions and further modifications of the diplomatic and political and economic and other relationships between the United States and Japan. The treaty also provides for economic and diplomatic consultations and for activities within the framework of the United Nations; and the treaty brings Japan in as a partner in the system of alliances and security arrangements on the part of the United States and her allies.

Therefore, Mr. President, I shall vote for ratification of the treaty, even though I was one of those who counseled against hasty action. I counseled against hasty action because I thought it would inject the United States, at that moment in Japanese history, into Japanese domestic politics, to the detriment of stable government in Japan.

I hope that now the people of Japan will look upon the treaty as a further opportunity to have more friendly relationships with the United States of America; and I hope that both the Government of Japan and the Government of the United States will look upon the treaty as a means of strengthening the cooperation of these two great nations within the framework of the United Nations.

If that is the spirit in which the treaty is ratified, and if the President of the United States—whoever he may be—will look upon the treaty as a further step in the normalization of relationships between these two great powers, then, indeed, this treaty will have contributed to peace and security in the world.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. HUMPHREY. I yield.

Mr. JOHNSON of Texas. I wonder if we could enter into a unanimous-consent agreement that after the morning hour tomorrow we have not to exceed 30 minutes of debate, to be divided equally and controlled by the majority and minority leaders, and then proceed to a yea-and-nay vote on the treaty. If we have 30 minutes of debate I will yield to the Senator from Louisiana [Mr. LONG] the time that he desires to speak on the treaty, and if anyone else desires time on either side of the question we will yield to him also.

Mr. HUMPHREY. Mr. President, I shall have to object, because tomorrow I intend to have a few words to say about Mr. NIXON's farm speech in North Dakota. We were here late last night.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold his objection?

Mr. JOHNSON of Texas. Does the Senator wish to make another speech?

Mr. HUMPHREY. I am going to have something to say tomorrow about Mr. NIXON's farm speech in North Dakota. I believe we can finish consideration of the treaty tonight. The Senator from Minnesota will be through in a few minutes.

Mr. JOHNSON of Texas. My request would not bar the Senator from Minnesota from making a speech about Mr. NIXON. It would provide an opportunity for us to vote on the treaty after 30 minutes of debate. In that way Senators would know when we would vote. Several of them wish to leave. We could set the time when we would vote on the treaty. If the Senator wishes to set a specific time when he wishes to make his speech, we can arrange that. If he wishes to make his speech before consideration of the treaty tomorrow, we will hold up the treaty. If he wants to make it after the treaty, we will do that. All we are trying to do is to set a specific time for a yea-and-nay vote on the treaty.

Mr. LONG of Louisiana. I hope the Senator from Minnesota will agree to some arrangement of that sort, because I, for example, wish to make a speech against the treaty. I do not know whether that will provoke further debate. However, if the Senator wishes to make his speech tomorrow, I suggest that he make it either before or after the vote on the treaty. My suggestion would be that the vote on the treaty come first and then that the Senator from Minnesota be recognized to make his speech. In that way he will have a good attendance in the Senate.

Mr. HUMPHREY. That is agreeable to me.

Mr. JOHNSON of Texas. He may speak before or after action on the treaty.

Mr. HUMPHREY. Immediately after the treaty is disposed of will be the best arrangement.

Mr. JOHNSON of Texas. Mr. President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. HUMPHREY. What is the request?

Mr. JOHNSON of Texas. That there be 30 minutes of debate, 15 minutes on each side, after the morning hour, and then that the Senate proceed to vote on the treaty.

Mr. HUMPHREY. And that immediately after the treaty the Senator from Minnesota will be recognized.

Mr. JOHNSON of Texas. If the Senator so desires.

Mr. HUMPHREY. Yes.

Mr. JOHNSON of Texas. Very well.

Mr. HUMPHREY. I thank the Senator from Texas.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield, to permit me to ask the distinguished majority leader a question concerning the appropriation bills which were supposed to be scheduled for action today?

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, may we hear from the Senator from Texas concerning his plans for the consideration of the appropriation bills which were due to be taken up tonight?

Mr. JOHNSON of Texas. That will depend entirely on the speeches to be made by Senators. It is not planned to transact any business following the speeches. There will be nothing but speeches this evening. We will get down to voting tomorrow; and after we vote on the treaty, it is proposed to take up either the Independent Offices or the General Government Matters Appropriation bill.

Mr. JAVITS. I thank the Senator from Minnesota and the Senator from Texas.

Mr. JOHNSON of Texas. So far as the leadership is aware, there will be no votes this evening. The Senate will convene at 12 o'clock noon tomorrow. There will be a morning hour. Following the morning hour there will be 15 minutes to a side on the treaty. Then the vote on the treaty will take place.

Following the vote on the treaty, the Senator from Minnesota will be recognized. How much time will the Senator from Minnesota desire?

Mr. HUMPHREY. I have not the slightest idea.

Mr. DIRKSEN. Mr. President, put my name on the list, too. I do not have the slightest idea of how much time I may use, when I follow the Senator from Minnesota.

Mr. HUMPHREY. What the Senator from Illinois will probably say afterward is "Amen."

Mr. DIRKSEN. That is what the Senator from Minnesota thinks.

Mr. JOHNSON of Texas. Mr. President, we will have for consideration two appropriation bills which must also go to conference.

Mr. HUMPHREY. My speech will not be too long; it will take about a half hour.

Mr. JOHNSON of Texas. Mr. President, I modify my request to include one-half hour for the Senator from Minnesota [Mr. HUMPHREY], following the vote on the treaty.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, effective on Wednesday, June, 22, 1960, at the conclusion of the routine morning business, during the further consideration of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan (Ex. E of 86th Cong., 2d sess.), all debate shall be limited to 30 minutes to be equally divided and controlled by the majority and minority leaders: *Provided further*, That after the vote on the treaty, the Senator from Minnesota [Mr. HUMPHREY] shall be recognized for 30 minutes to address the Senate.

Mr. JOHNSON of Texas. Mr. President, I desire to inform the Senate that immediately following the speech by the Senator from Minnesota an appropriation bill will be taken up.

Mr. DIRKSEN. Mr. President, I shall offer an amendment in order to secure time for my speech.

LEGISLATIVE SESSION

Mr. McCARTHY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

PETITION OF MINNEAPOLIS LODGE 260, BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a letter which I have received from Minneapolis Lodge 260 of the Brotherhood of Railway and Steamship Clerks in opposition to Senate bill 3548 relating to union bargaining, be printed at this point in the RECORD and appropriately referred.

There being no objection, the letter was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

JUNE 6, 1960.

HUBERT H. HUMPHREY,
Washington, D.C.

DEAR SENATOR: Senator Dirksen, of Illinois, on May 13, 1960, introduced S. 3548 which would amend the Railway Labor Act, the Norris-La Guardia Act, and National Labor Relations Act, making it impossible for labor unions to lawfully bargain or strike over demands involving the stabilization of employment.

The members of Minneapolis Lodge 260, urge you to oppose this bill, S. 3548.

Yours truly,

H. E. DURAND,
Secretary Treasurer.

ADDITIONAL REPORTS OF COMMITTEES

The following additional reports of committees were submitted:

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, with amendments:

S. 77. A bill to establish the Chesapeake & Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway, in the State of Maryland, and for other purposes (Rept. No. 1632).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 2709. A bill directing the Secretary of the Interior to convey to the city of Flandreau, S. Dak., any interest remaining in the United States to certain property which it conveyed to such city by the act of August 21, 1916 (39 Stat. 524) (Rept. No. 1633);

S. 2914. A bill to authorize the purchase and exchange of land and interests therein on the Blue Ridge and Natchez Trace Parkways (Rept. No. 1634);

S. 3264. A bill to abolish the Arlington Memorial Amphitheater Commission (Rept. No. 1635);

S. 3399. A bill to authorize the exchange of certain property within Shenandoah National Park, in the State of Virginia, and for other purposes (Rept. No. 1636); and

H.R. 8740. An act to provide for the leasing of oil and gas interests in certain lands owned by the United States in the State of Texas (Rept. No. 1637).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 8226. An act to add certain lands to Castillo de San Marcos National Monument in the State of Florida (Rept. No. 1638).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 2757. A bill to supplement the act of June 14, 1926, as amended, to permit any State to acquire certain public lands for recreational use (Rept. No. 1630); and

H.R. 6597. An act to revise the boundaries of Dinosaur National Monument and provide an entrance road or roads thereto, and for other purposes (Rept. No. 1629).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3122. An act directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm (Rept. No. 1627).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, without amendment:

S. 3267. A bill to amend the act of October 17, 1940, relating to the disposition of certain public lands in Alaska (Rept. No. 1628).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 11953. An act to provide for the assessing of Indian trust lands and restricted fee patent Indian lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through drainage and diking district formed under the laws of the State of Washington (Rept. No. 1640).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9142. An act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes (Rept. No. 1639).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S. 3193. A bill to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes (Rept. No. 1631).

By Mr. FREAR, from the Committee on the District of Columbia, without amendment:

S. 3415. A bill to exempt from taxation certain property of the American Association of University Women, Educational Foundation, Inc., in the District of Columbia (Rept. No. 1641).

By Mr. FREAR, from the Committee on the District of Columbia, with an amendment:

S. 3258. A bill to amend the District of Columbia Alcoholic Beverage Control Act (Rept. No. 1643).

By Mr. FREAR, from the Committee on the District of Columbia, with amendments:

S. 3195. A bill to exempt from taxation certain property of the Army Distaff Foundation (Rept. No. 1642).

ADDITIONAL BILL INTRODUCED

Mr. KENNEDY, by unanimous consent, introduced a bill (S. 3712) relating to the effective date of the qualification of the Pipe and Refrigeration Fitters Local 537 pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954, which was read twice by its title and referred to the Committee on Finance.

PROPOSED AMENDMENTS OR NEW AGREEMENTS, FOR COOPERATION WITH OTHER NATIONS IN THE PEACEFUL USES OF ATOMIC ENERGY

Mr. PASTORE. Mr. President, pursuant to the requirements of section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has recently forwarded to the Joint Committee on Atomic Energy a number of proposed amendments, or new agreements, for cooperation with other nations in the peaceful uses of atomic energy.

As chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, and in accordance with past practices, I request unanimous consent to have printed in the CONGRESSIONAL RECORD, at a conclusion of my brief remarks, copies of representative amendments, and new agreements, preceded by a brief summary prepared by the Atomic Energy Commission, for the purpose of informing all Members of the Senate, the Congress, and the public, of the provisions of these amendments and agreements.

The Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy has scheduled a hearing for tomorrow, June 22, 1960, at 10 a.m., to consider the provisions of these amendments and agreements, as well as certain other matters. The subcommittee, and the full Joint Committee, may subsequently consider the possibility of waiving the remainder of the 30-day review period by the Joint Committee, pursuant to section 123c of the Atomic Energy Act of 1954, as amended.

All of these amendments or agreements, Mr. President, are for the peaceful uses of atomic energy. Seven of the amendments are primarily to extend for 2 or 3 years the bilateral agreement, and to provide an opportunity for transfer of the administration of safeguards to the International Atomic Energy Agency, and for future cooperation through the Agency.

Two other amendments authorize transfer of highly enriched materials for use in research or test reactors. The agreement with Canada provides for a cooperative program in the development of heavy water moderated reactors, for the mutual benefit of both nations.

The new agreement with Euratom authorizes supply of certain nuclear materials for the Euratom research program.

Mr. President, all of these amendments and agreements are demonstrations of U.S. leadership and dedication to the development of the peaceful uses of atomic energy in close cooperation with other nations of the world. They contain the usual guarantees and safeguards against diversion of the materials from peaceful to military purposes.

I send to the desk, Mr. President, the following, and request unanimous consent that they be reprinted in the CONGRESSIONAL RECORD at this point for the information of all Members of the Senate, the Congress, and the public:

First, a letter dated June 20, 1960, to James T. Ramey, executive director, Joint Committee on Atomic Energy, from Mr. John A. Hall, for the General Manager of AEC, with appendixes A and B, summarizing the amendments to the agreements with various countries, and with Euratom;

Second, a copy of amendment to agreement for cooperation with Argentina—similar to that with Brazil, China, Greece, Israel, and Portugal—together with supporting correspondence;

Third, an amendment to agreement with New Zealand—similar to that with Thailand—and supporting correspondence;

Fourth, an amendment to cooperation with Canada, and supporting correspondence;

Fifth, an amendment to agreement for cooperation with Switzerland, and supporting correspondence; and

Sixth, an additional agreement for cooperation with Euratom, and supporting correspondence.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
June 20, 1960.

Mr. JAMES T. RAMEY,
Executive Director, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.

DEAR MR. RAMEY: In response to your request of June 13, 1960, there is attached as appendix A brief summaries of the amendments to the Agreements for Cooperation with Argentina, Brazil, Canada, China, Greece, Israel, New Zealand, the Philippines, Portugal, Switzerland, and Thailand, and of the agreement with Indonesia. Attached as appendix B is a detailed discussion of the provisions of the additional agreement for cooperation with Euratom, supplementing that information provided in Chairman McCone's letter of June 11, 1960, to Senator ANDERSON.

If there is any further information you require, we should be glad to hear from you.

Sincerely yours,

JOHN A. HALL
(For General Manager).

APPENDIX A

SUMMARY OF AMENDMENTS TO THE AGREEMENTS FOR COOPERATION WITH ARGENTINA, BRAZIL, CANADA, CHINA, GREECE, ISRAEL, NEW ZEALAND, THE PHILIPPINES, SWITZERLAND, AND THAILAND

ARGENTINA, BRAZIL, CHINA, GREECE, ISRAEL, AND PORTUGAL

Each of these amendments provides for a 2-year extension of the agreement with the respective country. The purpose of entering into 2-year extensions is to provide continuity in the bilateral arrangements in connection with fuel and equipment that has been or is expected shortly to be transferred, and, at the same time, provide an opportunity for the development of arrangements for the administration of safeguards by the International Atomic Energy Agency and for future cooperation through the Agency. The following standard articles are also being incorporated into those agreements which do not presently contain such provisions, as indicated:

(1) IAEA article: Affirmation of the parties to avail themselves, as soon as practicable, of the facilities and services of the IAEA (Argentina, Brazil, China, Greece, and Portugal).

(2) Disclaimer article: Provides for a disclaimer of responsibility under which neither party warrants the accuracy, completeness, or suitability of information or data exchanged for any particular use or application (Argentina and Greece).

(3) Hold harmless article: Provides for a hold harmless provision indemnifying and saving harmless the United States from any and all liability arising from the lease of source material, special nuclear material or other reactor materials (Argentina and Greece).

NEW ZEALAND AND THAILAND

The existing agreements provide for the lease of six kilograms of material enriched up to 20 percent in the isotope U^{235}, plus pipeline quantities, for fueling research reactors.

The amendments change the above provisions by providing for the sale or lease, as may be agreed, of a net amount of 10 kilograms of material enriched up to 20 percent in the isotope U^{235} for use in research reactors, materials testing reactors, and reactor experiments. At its discretion, the Commission may make all or a portion of this material available as material enriched up to 90 percent for use in the foregoing facilities, each capable of operating with a fuel load not to exceed 8 kilograms of contained U^{235}. New Zealand and Thailand requested this provision in connection with research reactors they are planning to construct. The amendments also add a provision permitting the transfer of special nuclear materials, on an "as may be agreed" basis, for use in defined research projects other than fueling reactors or reactor experiments. In view of these provisions, there have been included in the amendments standard comprehensive controls and safeguards and a comprehensive IAEA article in which the parties affirm their common interest in the IAEA and agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the agreement. The amendment with Thailand also extends that agreement for a 2-year period.

PHILIPPINES

This amendment provides, at the request of the Philippines, for a 3, rather than 2 years, extension, to cover, if possible, the life of the first-core loading of their research reactor, and its return to the United States. The amendment also adds a standard provision to permit the tranfer of specified gram quantities of special nuclear materials for research purposes, and contains "hold harmless" and "disclaimer" provisions as well as an IAEA article.

INDONESIA

The agreement with Indonesia is, in all but one respect, the standard type of research bilateral providing for the lease of 6 kilograms of uranium enriched up to 20 percent in the isotope U^{235}, plus pipeline quantities, for use as fuel in research reactors. It differs from the standard research agreement only in that it is limited, at Indonesia's request, to cooperation with respect to a single specified project; namely, a research and training project for nuclear science and engineering at the Bandung Institute of Technology.

CANADA

The Joint Committee is aware of the cooperative program entered into with Canada on heavy water moderated reactors. The

main purpose of the amendment is to permit full implementation of this program.

The existing agreement would expire on July 31, 1965. The amendment extends the agreement for a period of 20 years from the date the amendment enters into force. This period is in line with the terms of our power agreements with Italy and Japan and the joint program under our agreement with Euratom.

The amendment also permits enriched uranium and heavy water for power reactor programs to be provided by lease, or, subject to required governmental authorizations, loan. The present agreement permits sale only of these items.

Certain changes are also made in the patent provisions to permit wider freedom of governmental action with regard to licensing. The existing agreement provides that, as to inventions based on information communicated under the agreement, the licenses are for "governmental purposes and for purposes of mutual defense" and that the license shall be "for its governmental purposes." The amendment removes the above restrictions and provides instead for licenses, with the right to sublicense, for all purposes. The amendment also provides that additional patent arrangements may be made with respect to inventions or discoveries made or conceived in circumstances other than those specifically provided for in the agreement.

SWITZERLAND

Under the terms of the existing agreement, reactor fuel is available to Switzerland on a sale basis only and highly enriched uranium fuel is limited to use in a materials testing reactor capable of operating with a fuel load not to exceed six kilograms of contained U^{235} in uranium. The amendment will permit the Commission also to lease reactor fuel to Switzerland and to supply highly enriched uranium for use in research reactors and reactor experiments, as well as materials testing reactors, each capable of operating with a fuel load not to exceed eight kilograms of contained U^{235} in uranium. The amendment also provides that our usual language relieving the Government of the United States of liability arising out of or in connection with special nuclear material, source material, or other reactor material leased to Switzerland shall be contained in all contracts for the lease of such materials. This minor deviation from the usual practice of making the "hold harmless" provision directly operative within the agreement itself was requested by the Swiss in order to avoid submittal of the amendment to the Swiss Parliament, with consequent delay.

APPENDIX B

DISCUSSION OF THE PROVISIONS OF THE ADDITIONAL AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND EURATOM

The additional agreement for cooperation between the United States and Euratom is designed to meet the urgent need on the part of Euratom and one of its member states for assurances, required before the next session of Congress, of the supply of certain nuclear materials for their research programs. If the assurances that are provided by the additional agreement are not forthcoming during this period, it is possible that some of the research projects for which the materials are designated may have to be deferred. It should also be noted that the principal need is that of a member state, Italy, which has chosen to seek these materials through Euratom as an indication of support for this organization.

Only materials for which assurances are urgently needed are provided for in the additional agreement. The specific quantities of materials to be made available by sale or lease, as may be agreed, and the research projects for which they are intended are:

1. One hundred kilograms of uranium, enriched up to 90 percent in the isotope U^{235} for use in an Italian organic reactor experiment: The Italian National Committee for Nuclear Research (CNRN) is anxious to proceed with the design and construction of this experiment, which is to be completed by 1962. It wishes to use highly enriched U^{235} in the first core (similar to that of the OMRE) of this facility so as to accelerate the attainment of meaningful data for the organic system.

2. Two hundred kilograms of uranium, enriched up to 90 percent in the isotope U^{235}, and 30 kilograms of U^{233} contained in unseparated, irradiated, uranium-thorium fuel elements for use in an experimental reprocessing plant and associated fuel fabrication facility. The CNRN plans to start up an experimental plant for reprocessing irradiated uranium-thorium fuel elements from the Elk River reactor during the first half of 1964. Allis-Chalmers will participate in this project, which the Commission's Division of Reactor Development has strongly endorsed.

3. Forty kilograms of uranium, enriched up to 90 percent in the isotope U^{235} for critical experiments related to Euratoms' heavy-water moderated, organic-cooled reactor prototype, ORGEL. This project is the principal element in Euratom's joint research program with Canada on heavy water reactors. Although critical experiments have been performed in a French reactor, with fuel configurations already available, it is desired to further experiment with elements which more closely approximate those planned for the ORGEL project. The material requested would be used to fabricate these special critical assembly test elements.

The additional agreement also contains a research materials article (article II) under which limited quantities of special nuclear material may be supplied for small-scale research uses, as may be agreed. Pertinent articles of the existing Joint Program Agreement, including those on safeguards, have been incorporated in the Additional Agreement by reference.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C.

HON CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR ANDERSON: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. An executed amendment to the agreement for cooperation between the Government of the United States of America and the Government of the Argentine Republic concerning civil uses of atomic energy;

2. A letter from the Commission to the President recommending approval of the amendment; and

3. A letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, approving the amendment, and authorizing its execution.

Article IV of the proposed amendment provides for a two-year extension of the present agreement. It is hoped that the proposed two-year extension will permit the Government of the United States of America and the Government of the Argentine Republic sufficient time in which to reach agreement with the International Atomic Energy Agency for Agency administration of safeguards for the reactor and fuel transferred, or to be transferred, and to arrange for further cooperation through the Agency.

Article I of the amendment contains a disclaimer of responsibility clause under which neither party warrants the accuracy, completeness or suitability of information or data exchanged for any particular use or application.

Article II of the amendment contains a hold harmless clause indemnifying and saving harmless the United States from any and all liability arising from the lease of the fuel to the Government of the Argentine Republic.

In article III of the amendment the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the Agreement for Cooperation in view of the establishment of the Agency.

The amendment will enter into force when the two Governments have exchanged notifications that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

_____, _____,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 4, 1960.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic Concerning Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendations.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would extend and modify the Agreement for Cooperation signed by the Government of the United States of America and the Government of the Argentine Republic on July 29, 1955. That agreement will expire on July 28, 1960, unless extended by amendment. Major features of the amendment are summarized below.

Article IV of the proposed amendment provides for a 2-year extension of the present agreement. It is hoped that the proposed 2-year extension will permit the Government of the United States of America and the Government of the Argentine Republic sufficient time in which to reach agreement with the International Atomic Energy Agency for Agency administration of safeguards for the reactor and fuel transferred, or to be transferred, and to arrange for further cooperation through the Agency.

Article I of the amendment contains a disclaimer of responsibility clause under which neither party warrants the accuracy, completeness or suitability of information or data exchanged for any particular use or application.

Article II of the amendment contains a hold-harmless clause indemnifying and saving harmless the United States from any and all liability arising from the lease of the fuel to the Government of the Argentine Republic.

In article III of the amendment the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the agreement for cooperation in view of the establishment of the Agency.

Following your determination, approval, and authorization, the amendment will be

formally executed by the appropriate authorities of the Government of the United States of America and the Government of the Argentine Republic. In compliance with section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully,

JOHN A. MCCONE, *Chairman.*

THE WHITE HOUSE,
Washington, June 9, 1960.

The Honorable JOHN A. MCCONE,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. MCCONE: Under the date of June 4, 1960, the Atomic Energy Commission recommended that I approve the proposed amendment to agreement for cooperation between the Government of the United States of America and the Government of the Argentine Republic concerning civil uses of atomic energy, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would extend and modify the agreement for cooperation signed by the Government of the United States of America and the Government of the Argentine Republic on July 29, 1955. The agreement will expire on July 28, 1960, unless extended by amendment.

Article IV of the proposed amendment provides for a 2-year extension of the present agreement. It is hoped that the proposed 2-year extension will permit the Government of the United States of America and the Government of the Argentine Republic sufficient time in which to reach agreement with the International Atomic Energy Agency for Agency administration of safeguards for the reactor and fuel transferred, or to be transferred, and to arrange for further cooperation through the Agency.

Article I of the amendment contains a disclaimer of responsibility clause under which neither party warrants the accuracy, completeness or suitability of information or data exchanged for any particular use or application.

Article II of the amendment contains a hold harmless clause indemnifying and saving harmless the United States from any and all liability arising from the lease of the fuel to the Government of the Argentine Republic.

In article III of the amendment the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the agreement for cooperation in view of the establishment of the Agency.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

1. Determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States, and

2. Approve the proposed amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic enclosed with your letter of June 4, 1960, and

3. Authorize the execution of the proposed amendment for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ARGENTINE REPUBLIC CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Argentine Republic,

Desiring to amend the Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic Concerning Civil Uses of Atomic Energy signed at Washington July 29, 1955 (hereinafter referred to as the "Agreement for Cooperation"),

Agree as follows:

ARTICLE I

Article I of the Agreement for Cooperation is amended to read as follows:

"A. Subject to the limitations of Article V, the Parties hereto will exchange information in the following fields:

"1. Design, construction and operation of research reactors and their use as research, development, and engineering tools and in medical therapy.

"2. Health and safety problems related to the operation and use of research reactors.

"3. The use of radioactive isotopes in physical and biological research, medical therapy, agriculture, and industry.

"B. The application or use of any information or data or any kind whatsoever, including design drawings and specifications, exchanged under this Agreement shall be the responsibility of the Party which receives and uses such information or data, and it is understood that the other cooperating Party does not warrant the accuracy, completeness, or suitability of such information or data for any particular use or application."

ARTICLE II

The following new paragraph is added to Article VI of the Agreement for Cooperation:

"D. Some atomic energy materials which the Commission may provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of the Argentine Republic the Government of the Argentine Republic shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any source or special nuclear materials or other reactor materials which the Commission may, pursuant to this Agreement, lease to the Government of the Argentine Republic or to any private individual or private organization under its jurisdiction, the Government of the Argentine Republic shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear materials or other reactor materials after delivery by the Commission to the Government of the Argentine Republic or to any authorized private individual or private organization under its jurisdiction."

ARTICLE III

The following new article is added directly after Article VII of the Agreement for Cooperation:

"ARTICLE VII BIS

"The Government of the United States of America and the Government of the Argentine Republic affirm their common interest in making mutually satisfactory arrangements to avail themselves, as soon as practicable, of the facilities and services of the International Atomic Energy Agency and to this end the Parties will consult with each other from time to time to determine in what respects, if any, they desire to modify the provisions of this Agreement for Cooperation."

ARTICLE IV

Article VIII of the Agreement for Cooperation is amended by deleting the date "July 28, 1960" and substituting in lieu thereof the date "July 28, 1962".

ARTICLE V

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this 11th day of June 1960.

For the Government of the United States of America:

R.R.R.—ROY R. RUBOTTOM, Jr.,
Assistant Secretary, Inter-American Affairs, Department of State.

J.A.M.—JOHN A. MCCONE,
Chairman, Atomic Energy Commission.

For the Government of the Argentine Republic:

E.D.C.—EMILIO DONATO DEL CARREL,
Ambassador of Argentina, Washington, D.C.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C.

Hon. CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR ANDERSON: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

1. An executed amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of New Zealand Concerning Civil Uses of Atomic Energy;

2. A letter from the Commission to the President recommending approval of the amendment; and

3. A letter from the President to the Commission containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security, approving the amendment, and authorizing its execution.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State, pursuant to the Atomic Energy Act of 1954, as amended, would modify the agreement for cooperation signed by the Government of the United States and the Government of New Zealand on June 13, 1956. Major features of the amendment are summarized below.

The existing agreement provides that the Commission will lease to the Government of New Zealand, as fuel for research reactors, up to six kilograms of contained U^{235} in uranium enriched up to a maximum of 20 percent U^{235}, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous use of the reactor involved. Article I of the amendment provides that the Commission may sell or lease, as may be agreed, a net amount of 10 kilograms of uranium enriched up to 20 percent in the isotope U^{235}, except as noted below, for use in research reactors, materials testing reactors, and reactor experiments. The Commission, at its discretion, may make all or a portion of the 10 kilograms available as material enriched up to 90 percent for use in the foregoing facilities, each capable of operating with a fuel load not to exceed 8 kilograms of contained U^{235} in uranium. In addition, article I provides that when any source or special nuclear material received from the

United States requires reprocessing, such reprocessing will be performed either in Commission facilities, or in facilities acceptable to the Commission.

The quantity of uranium enriched in the istotope U^{235} transferred to the Government of New Zealand for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel is radioactively cooling or in transit, or, subject to Commission approval, is being reprocessed in New Zealand.

Article II of the amendment permits the transfer of quantities of special nuclear materials, including U^{235}, U^{233}, and plutonium, on an as may be agreed basis, for defined research projects related to the peaceful uses of atomic energy other than fueling reactors and reactor experiments.

Article III of the amendment incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article IV of the amendment the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the agreement for cooperation in view of the establishment of the agency.

The amendment will enter into force when the two Governments have exchanged written notifications that their respective statutory and constitutional requirements have been fulfilled.

Sincerely,

———— ————,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 4, 1960.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of New Zealand Concerning Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would modify the Agreement for Cooperation signed by the Government of the United States and the Government of New Zealand on June 13, 1956. Major features of the amendment are summarized below.

The existing agreement provides that the Commission will lease to the Government of New Zealand, as fuel for research reactors, up to 6 kilograms of contained U^{235} in uranium enriched up to a maximum of 20 percent U^{235}, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous use of the reactor involved. Article I of the amendment provides that the Commission may sell or lease, as may be agreed, a net amount of 10 kilograms of uranium enriched up to 20 percent in the isotope U^{235}, except as noted below, for use in research reactors, materials, testing reactors, and reactor experiments. The Commission, at its discretion, may make all or a portion of the 10 kilograms available as material enriched up to 90 percent for use in the foregoing facilities, each capable of operating with a fuel load not to exceed 8 kilograms of contained U^{235} in uranium. In addition, article I provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission.

The quantity of uranium enriched in the isotope U^{235} transferred to the Government of New Zealand for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel is radioactively cooling or in transit, or, subject to Commission approval, is being reprocessed in New Zealand.

Article II of the amendment permits the transfer of quantities of special nuclear materials, including U^{235}, U^{233}, and plutonium, on an as-may-be-agreed basis, for defined research projects related to the peaceful uses of atomic energy other than fueling reactors and reactor experiments.

Article III of the amendment incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article IV of the amendment the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they desire to modify the provision of the agreements for cooperation in view of the establishment of the Agency.

Following your approval and subject to the authorization requested, the amendment will be formally executed by the appropriate authorities of the Government of the United States of America and the Government of New Zealand and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954, as amended.

Respectfully,

JOHN A. MCCONE,
Chairman.

THE WHITE HOUSE,
Washington, D.C., June 9, 1960.

Hon. JOHN A. MCCONE,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. MCCONE: Under date of June 4, 1960, you informed me that the Atomic Energy Commission has recommended that I approve the proposed "Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of New Zealand Concerning Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The amendment would modify the agreement for cooperation signed by the Government of the United States and the Government of New Zealand on June 13, 1956.

Among other things, the amendment provides that the Commission may sell or lease, as may be agreed, a net amount of 10 kilograms of uranium enriched up to 20 percent in the isotope U^{235}, except as noted below, for use in research reactors, materials-testing reactors, and reactor experiments. The Commission, at its discretion, may make all or a portion of the 10 kilograms available as material enriched up to 90 percent for use in the foregoing facilities, each capable of operating with a fuel load not to exceed 8 kilograms of contained U^{235} in uranium. It is also provided that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission.

The quantity of uranium enriched in the isotope U^{235} transferred to the Government of New Zealand for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel is radioactively cooling or in transit, or, subject to Commission approval, is being reprocessed in New Zealand.

The amendment further permits the transfer of quantities of special nuclear materials, including U^{235}, U^{233}, and plutonium, on and as-may-be-agreed basis, for defined research projects related to the peaceful uses of atomic energy other than fueling reactors and reactor experiments.

The amendment also contains several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes. Finally, the amendment contains a provision whereby the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the agreement for cooperation in view of the establishment of the Agency.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby

1. Determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States,

2. Approve the proposed Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of New Zealand enclosed with your letter of June 4, 1960, and

3. Authorize the execution of the proposed agreement for the Government of the United States of America by appropriate authorities of the U.S. Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF NEW ZEALAND CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of New Zealand,

Desiring to amend the Agreement for Cooperation between the Government of the United States of America and the Government of New Zealand Concerning Civil Uses of Atomic Energy, signed at Washington on June 13, 1956 (hereafter referred to as the "Agreement for Cooperation"),

Agree as follows:

ARTICLE I

Article IV of the Agreement for Cooperation is amended to read as follows:

"1. The Commission will sell or lease, as may be agreed, to the Government of New Zealand, uranium enriched up to twenty per cent (20 percent) in the isotope U–235, except as otherwise provided in paragraph 3 of this Article, in such quantities as may be agreed, in accordance with the terms, conditions, and delivery schedules set forth in contracts, for fueling defined research reactors, materials testing reactors, and reactor experiments which the Government of New Zealand, in consultation with the Commis-

sion, decides to construct or authorize private organizations to construct and which are constructed in New Zealand and as required in experiments related thereto; provided, however, that the net amount of any uranium sold or leased under this Article during the period of this Agreement shall not at any time exceed ten (10) kilograms of the isotope U–235 contained in such uranium. This net amount shall be the gross quantity of such contained U–235 in uranium sold or leased to the Government of New Zealand during the period of this Agreement less the quantity of such contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this Agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

"2. Within the limitations contained in paragraph 1 of this Article, the quantity of uranium enriched in the isotope U–235 transferred by the Commission under this Article and in the custody of the Government of New Zealand shall not at any time be in excess of the quantity necessary for the full loading of each defined reactor project which the Government of New Zealand or persons under its jurisdiction construct and fuel with uranium received from the United States of America, as provided herein, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactors or reactor experiments while replaced fuel is radioactively cooling, is in transit, or, subject to the provisions of paragraph 5 of this Article, is being reprocessed in New Zealand, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

"3. The Commission may, upon request and in its discretion, make all or a portion of the foregoing special nuclear material available as uranium enriched up to ninety per cent (90%) in the isotope U–235 for use in research reactors, materials testing reactors, and reactor experiments, each capable of operating with a fuel load not to exceed eight (8) kilograms of the isotope U–235 contained in such uranium.

"4. It is understood and agreed that although the Government of New Zealand may distribute uranium enriched in the isotope U–235 to authorized users in New Zealand, the Government of New Zealand will retain title to any uranium enriched in the isotope U–235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

"5. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel shall not be altered after its removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

"6. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of New Zealand and after reprocessing as provided in paragraph 5 of this Article, shall be returned to the Government of New Zealand, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with appropriate credit to the Government of New Zealand, any such special nuclear material which is in excess of the needs of New Zealand for such material in its program for the peaceful uses of atomic energy.

"7. With respect to any special nuclear material not subject to the option referred to in paragraph 6 of this Article and produced in reactors fueled with material obtained from the United States of America which is in excess of the need of New Zealand for such material in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

"8. Some atomic energy materials which the Commission may provide in accordance with this agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of New Zealand the Government of New Zealand shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any source or special nuclear material or other reactor material which the Commission may, pursuant to this agreement, lease to the Government of New Zealand or to any private individual or private organization under its jurisdiction, the Government of New Zealand shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear material or other reactor material after delivery by the Commission to the Government of New Zealand or to any authorized private individual or private organization under its jurisdiction."

ARTICLE II

Article V of the Agreement for Cooperation is amended to read as follows:

"Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy and under the limitations set forth in Article II, including source materials, special nuclear materials, byproduct materials, other radioisotopes, and stable isotopes, will be sold or otherwise transferred to the Government of New Zealand by the Commission for research purposes other than fueling reactors and reactor experiments in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially."

ARTICLE III

Article VIII of the Agreement for Cooperation is amended to read as follows:

"1. The Government of the United States of America and the Government of New Zealand emphasize their common interest in assuring that any material, equipment, or device made available to the Government of New Zealand pursuant to this Agreement shall be used solely for civil purposes.

"2. Except to the extent that the safeguards provided for in this Agreement are supplanted, as provided in Article X bis, by safeguards of the International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

"A. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any—

(i) reactor and

(ii) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available to the Government of New Zealand or persons under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

"B. With respect to any source or special nuclear material made available to the Government of New Zealand or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or devices so made available:

(i) source material, special nuclear material, moderator material, or other material designated by the Commission,

(ii) reactors,

(iii) any other equipment or device designated by the Commission as an item to be made available on the condition that the provision of this subparagraph 2B will apply, (a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such material; and (b) to require that any such material in the custody of the Government of New Zealand or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guaranties set forth in Article IX;

"C. To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in subparagraph 2B of this Article which is not currently utilized for civil purposes in New Zealand and which is not purchased or retained by the Government of the United States of America pursuant to Article IV, paragraph 6 and paragraph 7(a) of this Agreement, transferred pursuant to Article IV, paragraph 7(b) of this Agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

"D. To designate, after consultation with the Government of New Zealand, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of New Zealand, shall have access in New Zealand to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph 2B of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

"E. In the event of non-compliance with the provisions of this Article, or the guaranties set forth in Article IX, and the failure of the Government of New Zealand to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and require the return of any materials, equipment, and devices referred to in subparagraph 2B of this Article;

"F. To consult with the Government of New Zealand in the matter of health and safety.

"3. The Government of New Zealand undertakes to facilitate the application of the safeguards provided for in this Article."

ARTICLE IV

The following new Article is added directly after Article X of the Agreement for Cooperation:

"ARTICLE X bis

"The Government of the United States of America and the Government of New Zealand affirm their common interest in the International Atomic Energy Agency and to this end:

"(a) The Parties will consult with each other, upon the request of either Party, to determine in what respects, if any, they desire to modify the provisions of this Agreement. In particular, the Parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the Agency of those conditions, controls, and safeguards, including those relating to health and safety standards, required by the Agency in connection with similar assistance rendered to a cooperating nation under the aegis of the Agency.

"(b) In the event the Parties do not reach a mutually satisfactory agreement following the consultation provided for in subparagraph (a) of this Article, either Party may by notification terminate this Agreement. In the event this Agreement is so terminated, the Government of New Zealand shall return to the Commission all source and special nuclear materials received pursuant to this Agreement and in its possession or in the possession of persons under its jurisdiction."

ARTICLE V

This Amendment shall enter into force on the day on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation.

In Witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this eleventh day of June, 1960.

For the Government of the United States of America:

JOHN M. STEEVES,
Deputy Assistant Secretary, Far Eastern Affairs, Department of State.

JOHN A. McCONE,
Chairman, Atomic Energy Commission.

For the Government of New Zealand:

G. D. L. WHITE,
Charge d'Affaires ad interim, Embassy of New Zealand, Washington, D.C.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C.

Hon. CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR ANDERSON: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. An executed amendment to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada;

2. A letter from the Commission to the President recommending approval of the amendment; and

3. A letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, approving the amendment, and authorizing its execution.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would revise in certain respects the agreement for cooperation between the United States and Canada signed at Washington on June 15, 1955, as amended by the agreement signed at Washington on June 26, 1956, and as modified by the agreement signed at Washington on May 22, 1959. The proposed revisions are required in order to permit full implementation of an expanded program of cooperation with Canada in the development of heavy-water-moderated power reactors. The desirability of amending the agreement for cooperation accordingly was previously brought to the attention of the joint committee in my letter of April 4, 1960, with which there was transmitted a proposed memorandum of understanding on the heavy water reactor program.

Article I of the amendment provides that the agreement for cooperation, as amended, shall remain in force for a period of 20 years from the date the amendment enters into force.

Under the existing agreement (article VI A) it is possible for the United States to supply enriched uranium for use as fuel in Canada's power reactor program on a sale basis only. Article II of the amendment modifies article VI A of the agreement in order to permit enriched uranium to be supplied also by lease or loan. Corollary changes are made elsewhere in article VI A as appropriate.

Similarly, article III of the amendment modifies article VI C of the agreement to provide that heavy water may henceforth be supplied to Canada on a lease or loan basis instead of sale only.

When required to permit the loan of enriched uranium or heavy water, appropriate congressional authorization will, of course, be sought.

Article IV of the amendment makes certain revisions in the patent provisions of the agreement. The existing agreement provides that as to inventions based on information communicated under the agreement the licenses are for "governmental purposes and for purposes of mutual defense" (paragraph A(1) of article IX) and that the license shall be "for its governmental purposes" (paragraph A(2) of article IX). To permit complete freedom of governmental action in this area, however, article IV of the amendment removes the above restrictions and provides instead for licenses, with the right to sublicense, for all purposes. At present, the agreement (paragraph A of article IX) refers only to "invention or discovery employing information which has been communicated" and does not, therefore, cover inventions made by exchanged personnel. In view thereof, a new provision (article IV, paragraph C, of the amendment) is added to the agreement.

The amendment will enter into force when the Government of the United States has notified the Government of Canada that the statutory and constitutional requirements of the United States for entry into force of the amendment have been fulfilled.

Sincerely yours,

———,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Amendment to Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would revise in certain respects the agreement for cooperation between the United States and Canada signed at Washington on June 15, 1955, as amended by the agreement signed at Washington on June 26, 1956, and as modified by the agreement signed at Washington on May 22, 1959. The proposed revisions are required in order to permit full implementation of an expanded program of cooperation with Canada in the development of heavy water moderated power reactors.

Article I of the amendment provides that the agreement for cooperation, as amended, shall remain in force for a period of 20 years from the date the amendment enters into force.

Under the existing agreement (art. VI A) it is possible for the United States to supply enriched uranium for use as fuel in Canada's power reactor program on a sale basis only. Article II of the amendment modifies article VI A of the agreement in order to permit enriched uranium to be supplied also by lease or loan. Corollary changes are made elsewhere in article VI A as appropriate.

Similarly, article III of the amendment modifies article VI C of the agreement to provide that heavy water may henceforth be supplied to Canada on a lease or loan basis instead of sale only.

Article IV of the amendment makes certain revisions in the patent provisions of the agreement. The existing agreement provides that as to inventions based on information communicated under the agreement the licenses are for "governmental purposes and for purposes of mutual defense" (par. A(1) of art. IX) and that the license shall be for "its governmental purposes" (par. A(2) of art. IX). To permit complete freedom of governmental action in this area, however, article IV of the amendment removes the above restrictions and provides instead for licenses, with the right to sublicense, for all purposes. At present, the agreement (par. A of art. IX) refers only to "invention or discovery employing information which has been communicated" and does not, therefore, cover inventions made by exchanged personnel. In view thereof, a new provision (art. IV, par. C, of the amendment) is added to the agreement.

Following your determination, approval, and authorization, the amendment will be formally executed by the appropriate authorities of the Government of the United States of America and the Government of Canada. In compliance with section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully,

JOHN A. McCONE,
Chairman.

THE WHITE HOUSE,
Washington, June 11, 1960.

The Honorable JOHN A. McCONE,
Chairman, Atomic Energy Commission, Washington, D.C.

DEAR MR. McCONE: Under date of June 4, 1960, the Atomic Energy Commission recommended that I approve the proposed "Amendment to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The amendment would modify the Agreement for Cooperation between the United States and Canada signed at Washington on June 15, 1955, as amended by the agreement signed at Washington on June 26, 1956, and as modified by the agreement signed at Washington on May 22, 1959.

The amendment has as its purpose the modification of the Agreement for Cooperation in order to permit full implementation of an expanded program of cooperation with Canada in the development of heavy-water-moderated power reactors.

Article I of the amendment provides that the Agreement for Cooperation, as amended, shall remain in force for a period of 20 years from the effective date of the amendment.

Under article II of the amendment, the Agreement for Cooperation is modified to permit the United States to provide enriched uranium for use as fuel in Canada's power reactor program on a lease or loan basis, in addition to sale as at present. Similarly, article III of the amendment makes it possible to supply heavy water to Canada by lease or loan in addition to sale.

Article IV of the amendment makes certain revisions in the patent provisions of the agreement. The existing agreement provides that as to inventions based on information communicated under the agreement the licenses are for "governmental purposes and for purposes of mutual defense" (par. A(1) of art. IX) and that the license shall be "for its governmental purposes" (par. A(2) of art. IX).

To permit complete freedom of governmental action in this area, however, article IV of the amendment removes the above restrictions and provides instead for licenses, with the right to sublicense, for all purposes. At present, the agreement (par. A of art. IX) refers only to "invention or discovery employing information which has been communicated" and does not, therefore, cover inventions made by exchanged personnel. In view thereof, a new provision (art. IV, par. C, of the amendment) is added to the agreement.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

1. Determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

2. Approve the proposed amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada enclosed with your letter of June 4, 1960; and

3. Authorize the execution of the proposed amendment for the Government of the United States of America by appropriate authorities of the U.S. Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

AMENDMENT TO AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA

The Government of the United States of America and the Government of Canada,

Desiring to amend the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada signed at Washington on June 15, 1955 (hereinafter referred to as the "Agreement for Cooperation"), as amended by the Agreement signed at Washington on June 26, 1956, and as modified by the Agreement signed at Washington on May 22, 1959,

Agree as follows:

ARTICLE I

Notwithstanding the provisions of Article I of the Agreement for Cooperation, that Agreement, as amended, shall remain in force for a period of twenty years from the date this Amendment enters into force.

ARTICLE II

Article VI A of the Agreement for Cooperation is amended as follows:

1. In the first sentence a comma is inserted after the word "sell" and the phrase "lease, or, subject to required governmental authorizations, loan" is inserted directly thereafter.

2. In the second sentence a comma is inserted after the word "sell" and the phrase "lease, or loan" is inserted directly thereafter.

3. In the second paragraph the word "purchased" is deleted and the word "received" is substituted in lieu thereof.

ARTICLE III

The second sentence of Article VI C of the Agreement for Cooperation is amended by deleting the phrase "sell to Atomic Energy of Canada Limited," and substituting in lieu thereof the phrase "transfer to Atomic Energy of Canada Limited, by sale, lease, or, subject to required governmental authorizations, loan,".

ARTICLE IV

1. Subparagraph (1) of Article IX A of the Agreement for Cooperation is amended by inserting a comma after the word "license" and by deleting the phrase "for its own governmental purposes and for purposes of mutual defense" and substituting in lieu thereof the phrase "with the right to grant sublicenses, for all purposes".

2. The first sentence of subparagraph (2) of Article IX A of the Agreement for Cooperation is amended to read as follows:

"(2) As to its right, title, and interest in and to any such invention, discovery, patent application, or patent in its own or third countries will, upon request of the other party, grant to the other party a royalty-free, nonexclusive, irrevocable license, with the right to grant sublicenses, for all purposes in all such countries."

3. The following new paragraph is added to Article IX:

"C. With respect to inventions or discoveries made or conceived in circumstances other than those provided for in paragraph A of this Article, it is agreed that additional mutual specific patent arrangements may be made."

ARTICLE V

This Amendment shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United States of America that all statutory and constitutional requirements of the Government of the United States of America for the entry into force of such amendments have been complied with, and it shall remain in force for the period of the Agreement for Cooperation, as amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this eleventh day of June 1960.

For the Government of the United States of America:

FOY D. KOHLER,
Assistant Secretary, European Affairs, Department of State.

JOHN A. MCCONE,
Chairman, Atomic Energy Commission.

For the Government of Canada:

A. D. P. HEENEY,
Ambassador of Canada, Washington, D.C.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C.

Hon. CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR ANDERSON: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. An executed amendment to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland;

2. A letter from the Commission to the President recommending approval of the amendment; and

3. A letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, approving the amendment, and authorizing its execution.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would modify the Agreement for Cooperation Between the United States and Switzerland signed at Washington on June 21, 1956, as amended by the agreement signed at Washington on April 24, 1959.

Under the terms of the existing agreement, reactor fuel is available to Switzerland on a sale basis only and highly enriched fuel is limited to use in a materials testing reactor. The objectives of the amendment are to modify the agreement so as to permit lease, as well as sale, of reactor fuel, as may be agreed, and in addition to permit the transfer of uranium enriched up to 90 percent U^{235} for use in research reactors. These changes will make it possible for the Swiss to effect certain bilateral transactions with the United States for which the time requirements are too pressing to make feasible the utilization of the services of the International Atomic Energy Agency.

Because the supply of fuel for reactor experiments is provided for under the revised fuel article of the agreement (art. II of the amendment), article I of the amendment excludes fuel for reactor experiments from being supplied under the terms of the research materials article of the agreement (art. IV A of the agreement as previously amended).

Article II of the amendment substitutes for the existing fuel article of the agreement, a revised fuel article incorporating current standard provisions. The substantive effects of that change are that (1) fuel for reactors and reactor experiments may be supplied by lease as well as sale, as may be agreed, and (2) uranium enriched up to 90 percent U^{235} may be supplied for use in research reactors and reactor experiments, in addition to materials testing reactors, each capable of operating with a fuel load not to exceed 8 kilograms of contained U^{235}.

Article II also provides that all contracts for the lease of special nuclear material, source material or reactor material pursuant to the agreement shall include a provision that the Government of Switzerland shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever rising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear material or other reactor material after delivery by the Commission to the Government of Switzerland or to any authorized private individual or private organization under its jurisdiction. This differs slightly from the usual practice of making the "hold harmless" provision directly operative in the Agreement for Cooperation itself. This minor deviation was requested by the Swiss in order to avoid submittal of the amendment to the Swiss Parliament, with consequent delay.

To reflect the fact that special nuclear material may, under the proposed amendment, be transferred to Switzerland by lease as well as sale article III of the amendment modifies accordingly to provision in the agreement (art. XII, subpar. A(3)) concerning the right of the United States to require the deposit in storage facilities designated by the Atomic Energy Commission of

any special nuclear material not utilized or otherwise disposed of pursuant to the terms of the agreement.

The amendment will enter into force when the two governments have exchanged notifications that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

———— ————,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 8, 1960.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Amendment to Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would modify the Agreement for Cooperation between the United States and Switzerland signed at Washington on June 21, 1956, as amended by the agreement signed at Washington, April 24, 1959.

Under the terms of the existing agreement, reactor fuel is available to Switzerland on a sale basis only and highly enriched fuel is limited to use in a materials testing reactor. The objectives of the amendment are to modify the agreement so as to permit lease, as well as sale, of reactor fuel, as may be agreed, and in addition to permit the transfer of uranium enriched up to 90 percent U^{235} for use in research reactors. These changes will make it possible for the Swiss to effect certain bilateral transactions with the United States for which the time requirements are too pressing to make feasible the utilization of the services of the International Atomic Energy Agency.

Because the supply of fuel for reactor experiments is provided for under the revised fuel article of the agreement (art. II of the amendment), article I of the amendment excludes fuel for reactor experiments from being supplied under the terms of the research materials article of the agreement (art. IV A of the agreement as previously amended).

Article II of the amendment substitutes for the existing fuel article of the agreement a revised fuel article incorporating current standard provisions. The substantive effects of that change are that (1) fuel for reactors and reactor experiments may be supplied by lease as well as sale, as may be agreed, and (2) uranium enriched up to 90 percent U^{235} may be supplied for use in research reactors and reactor experiments, in addition to materials testing reactors, each capable of operating with a fuel load not to exceed eight (8) kilograms of contained U^{235}. Article II also provides that all contracts for the lease of special nuclear material, source material or reactor material pursuant to the agreement shall include a provision relieving the Government of the United States of liability arising out of or in connection with the material after delivery.

To reflect the fact that special nuclear material may, under the proposed amendment, be transferred to Switzerland by lease as well as sale article III of the amendment modifies accordingly the provision in the agreement (art. XII, subpar. A(3)) concerning the right of the United States to require the deposit in storage facilities designated by the Atomic Energy Commission of any special nuclear material not utilized or otherwise disposed of pursuant to the terms of the agreement.

Following your determination, approval, and authorization, the amendment will be formally executed by the appropriate authorities of the Government of the United States of America and the Government of Switzerland. In compliance with section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully,

JOHN A. MCCONE,
Chairman.

THE WHITE HOUSE,
Washington, June 11, 1960.

The Honorable JOHN A. MCCONE,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. MCCONE: Under the date of June 8, 1960, the Atomic Energy Commission recommended that I approve the proposed "Amendment to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The amendment would modify the Agreement for Cooperation between the United States and Switzerland signed at Washington on June 21, 1956, as amended by the agreement signed at Washington on April 24, 1959.

The objectives of the amendment are to modify the agreement so as to permit lease, as well as sale, of reactor fuel, as may be agreed, and in addition to permit the transfer of uranium enriched up to 90 percent U^{235} for use in research reactors.

Because the supply of fuel for reactor experiments is provided for under the revised fuel article of the agreement (art. II of the amendment), article I of the amendment excludes fuel for reactor experiments from being supplied under the terms of the research materials article of the agreement (art. IV A of the agreement as previously amended).

Article II of the amendment substitutes for the existing fuel article of the agreement a revised fuel article incorporating current standard provisions. The substantive effects of that change are that (1) fuel for reactors and reactor experiments may be supplied by lease as well as sale, as may be agreed, and (2) uranium enriched up to 90 percent U^{235} may be supplied for use in research reactors and reactor experiments, in addition to materials testing reactors, each capable of operating with a fuel load not to exceed 8 kilograms of contained U^{235}. Article II also provides that all contracts for the lease of special nuclear material, source material, or reactor material pursuant to the agreement shall include a provision relieving the U.S. Government of liability arising out of or in connection with the material after delivery.

To reflect the fact that special nuclear material may, under the proposed amendment, be transferred to Switzerland by lease as well as sale article III of the amendment modified accordingly the provision in the agreement (art. XII, subpar. A(3)) concerning the right of the United States to require the deposit in storage facilities designated by the Atomic Energy Commission of any special nuclear material not utilized or otherwise disposed of pursuant to the terms of the agreement.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

1. Determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States;

2. Approve the proposed amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland enclosed with your letter of June 8, 1960, and

3. Authorize the execution of the proposed amendment for the Government of the United States of America by appropriate authorities of the U.S. Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

AMENDMENT TO AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SWITZERLAND

The Government of the United States of America and the Government of Switzerland;

Desiring to amend the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland signed at Washington on June 21, 1956 (hereinafter referred to as the "Agreement for Cooperation"), as amended by the Agreement signed at Washington on April 24, 1959;

Agree as follows:

ARTICLE I

Article IV, paragraph A, of the Agreement for Cooperation, as amended, is amended by inserting after the phrase "other than fueling reactors" the phrase "and reactor experiments".

ARTICLE II

Article VII of the Agreement for Cooperation is amended to read as follows:

"A. The Commission will sell or lease, as may be agreed, to the Government of Switzerland, uranium enriched up to twenty percent (20%) in the isotope U–235, except as otherwise provided in paragraph C of this Article, in such quantities as may be agreed, in accordance with the terms, conditions, and delivery schedules set forth in contracts, for fueling defined research, experimental power, demonstration power and power reactors, materials testing reactors, and reactor experiments which the Government of Switzerland, in consultation with the Commission, decides to construct or authorize private organizations to construct and which are constructed in Switzerland and as required in experiments related thereto; provided, however, that the net amount of any uranium sold or leased under this Article during the period of this Agreement shall not at any time exceed five hundred (500) kilograms of the isotope U–235 contained in such uranium. This net amount shall be the gross quantity of such contained U–235 in uranium sold or leased to the Government of Switzerland during the period of this Agreement less the quantity of such contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this Agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

"B. Within the limitations contained in paragraph A of this Article, the quantity of uranium enriched in the isotope U–235 transferred by the Commission under this Article and in the custody of the Government of Switzerland shall not at any time be in excess of the quantity necessary for the full loading of each defined reactor project which the Government of Switzerland or persons under its jurisdiction construct and fuel with uranium received from the United States of America, as provided here-

in, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactors or reactor experiments while replaced fuel is radioactively cooling, as in transit, or, subject to the provisions of paragraph E of this Article, is being reprocessed in Switzerland, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

"C. The Commission may, upon request and in its discretion, make all or a portion of the foregoing special nuclear material available as uranium enriched up to ninety per cent (90%) in the isotope U–235 for use in research reactors, materials testing reactors, and reactor experiments, each capable of operating with a fuel load not to exceed eight (8) kilograms of the isotope U–235 contained in such uranium.

"D. It is understood and agreed that although the Government of Switzerland may distribute uranium enriched in the isotope U–235 to authorized users in Switzerland, the Government of Switzerland will retain title to any uranium enriched in the isotope U–235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

"E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilites acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel shall not be altered after its removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

"F. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of Switzerland and after reprocessing as provided in paragraph E of this Article, shall be returned to the Government of Switzerland, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with appropriate credit to the Government of Switzerland, any such special nuclear material which is in excess of the needs of Switzerland for such material in its program for the peaceful uses of atomic energy.

"G. With respect to any special nuclear material not subject to the option referred to in paragraph F of this Article and produced in reactors fueled with material obtained from the United States of America which is in excess of the need of Switzerland for such material in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agrement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

"H. Some atomic energy materials which the Commission may provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of Switzerland, the Government of Switzerland shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. All contracts whereby the Commission may, pursuant to this Agreement, lease source or special nuclear material or other reactor material to the Government of Switzerland, or to any private individual or private organization under its jurisdiction, shall contain a provision that the Government of Switzerland shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear material or other reactor material after delivery by the Commission to the Government of Switzerland or to any authorized private individual or private organization under its jurisdiction."

ARTICLE III

Article XII, subparagraph A(3), of the Agreement for Cooperation is amended to read as follows:

"(3) To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in subparagraph A(2) of this Article which is not currently utilized for civil purposes in Switzerland and which is not purchased or retained by the Government of the United States of America pursuant to Article VII, paragraph F and paragraph G (a) of this Agreement, transferred pursuant to Article VII, paragraph G(b) of this Agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;"

ARTICLE IV

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, in the English and French languages, this eleventh day of June, 1960.

For the Government of the United States of America:

FOY D. KOHLER,
Assistant Secretary, European Affairs, Department of State.

JOHN A. McCONE,
Chairman, Atomic Energy Commission.

For the Government of Switzerland:

ERNESTO THALMANN,
Minister, Embassy of Switzerland, Washington, D.C.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 11, 1960.

Hon. CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR ANDERSON: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

(a) An Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (Euratom) Concerning Civil Uses of Atomic Energy;

(b) A letter from the Commission to the President recommending approval of the additional agreement; and

(c) A letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, approving the additional agreement, and authorizing its execution.

The proposed additional agreement, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would permit Euratom to receive uranium–235, uranium–233 (in irradiated fuel elements) and plutonium for uses outside our present joint program. This agreement is required to provide assurances of material availability to Euratom, which must be obtained before the next session of Congress if certain projects are to proceed in the Community without undue delay. The undertakings under the agreement are subject to appropriate statutory steps. It will be necessary, pursuant to the requirements of section 54 of the Atomic Energy Act of 1954, as amended, to obtain statutory authorization to distribute special nuclear material under this proposed agreement. Such authorization is now being sought through a requested amendment to section 5 of the Euratom Cooperation Act of 1958.

The additional agreement permits the transfer of the following:

(a) 100 kilograms of enriched uranium up to 90 percent in the isotope uranium 235 for an organic-moderated reactor experiment to be built by the Italian Government;

(b) 40 kilograms of enriched uranium up to 90 percent in the isotope uranium 235 for an organic-cooled, heavy water-moderated reactor experiment to be built by Euratom;

(c) 200 kilograms of enriched uranium up to 90 percent in the isotope uranium 235 and 30 kilograms of uranium 233 contained in irradiated fuel elements (from a reactor constructed in the United States under the Commission's power demonstration program) for feed material to a uranium-thorium processing plant to be built by the Italian Government;

(d) Limited quantities of special nuclear material to be supplied for small-scale research uses as may be agreed.

The additional agreement will enter into force when the two Governments have exchanged notifications that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

JOHN A. McCONE,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 10, 1960.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community Concerning Civil Uses of Atomic Energy," determine that it will not constitute an unreasonable risk to the common defense and security and authorize its execution. The Department of State supports the Commission's recommendations.

The proposed additional agreement, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would permit Euratom to receive uranium 235, uranium 233 (in irradiated fuel elements) and plutonium, for uses outside our present joint program. The undertakings under the agreement are subject to appropriate statutory steps. This agreement is required to provide assurances of material availability to Euratom, which must be obtained before the next session of Congress if certain projects are to proceed in the Community without undue delay.

The additional agreement permits the transfer of the following:

(a) 100 kilograms of highly enriched uranium for an organic-moderated reactor

experiment to be built by the Italian Government;

(b) 40 kilograms of highly enriched uranium for an organic-cooled, heavy water-moderated reactor experiment to be built by Euratom;

(c) 200 kilograms of highly enriched uranium and 30 kilograms of uranium 233 contained in irradiated fuel elements (from a reactor constructed in the United States under the Commission's power demonstration program) for feed material to uranium-thorium processing plants to be built by the Italian Government;

(d) Limited quantities of special nuclear material to be supplied for small-scale research uses as may be agreed.

Following your determination, approval and authorization, the additional agreement will be formally executed by the appropriate authorities of the Government of the United States of America and the European Atomic Energy Community (Euratom). In compliance with section 123c of the Atomic Energy Act of 1954 as amended, the proposed agreement will then be placed before the Joint Committee on Atomic Energy.

Respectfully,

JOHN F. FLOBERG,
Acting Chairman.

THE WHITE HOUSE,
Washington, D.C., June 11, 1960.

Hon. JOHN A. MCCONE,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. MCCONE: Under date of June 10, 1960, you informed me that the Atomic Energy Commission and the Department of State had recommended that I approve the proposed "Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (Euratom) Concerning Civil Uses of Atomic Energy," and authorize its execution.

The proposed agreement will provide assurances of material availability to Euratom, which must be obtained before the next session of Congress if certain projects are to proceed in the Community without undue delay. The undertakings under the agreement are subject to appropriate statutory steps.

The additional agreement permits the transfer of the following:

(a) One hundred kilograms of highly enriched uranium for an organic-moderated reactor experiment to be built by the Italian Government;

(b) Forty kilograms of highly enriched uranium for an organic-cooled, heavy water-moderated reactor experiment to be built by Euratom;

(c) Two hundred kilograms of highly enriched uranium and 30 kilograms of uranium–233 contained in irradiated fuel elements (from a reactor constructed in the United States under the Commission's power demonstration program) for feed material to uranium-thorium processing plants to be built by the Italian Government;

(d) Limited quantities of special nuclear material to be supplied for small-scale research uses as may be agreed.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Determine that the performance of the proposed additional agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;

(b) Approve the proposed additional agreement for cooperation between the Government of the United States and the European Atomic Energy Community (Euratom), enclosed with your letter of June 10, 1960;

(c) Authorize the execution of the proposed additional agreement for the Government of the United States by appropriate authorities of the Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

ADDITIONAL AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM) CONCERNING PEACEFUL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the European Atomic Energy Community (Euratom) signed an Agreement for Cooperation on November 8, 1958, Concerning Peaceful Uses of Atomic Energy, as a basis for cooperation in programs for the advancement of peaceful applications of atomic energy,

Whereas such Agreement contemplates that from time to time the Parties may enter into further Agreements for Cooperation in the peaceful aspects of atomic energy,

Whereas current programs within the Community require additional quantities of special nuclear material that are not provided for by existing Agreements for Cooperation,

Whereas the Government of the United States of America has indicated its readiness to supply these supplementary requirements for special nuclear materials,

The Parties have agreed as follows:

ARTICLE I

A. 1. The United States will sell or lease, as the Parties may agree, to the Community for use in an organic-moderated reactor experiment, an organic-cooled, heavy water-moderated reactor experiment, and an experimental plant for the chemical processing or fabrication of special nuclear materials:

(a) up to a net amount of 140 kilograms of U–235 contained in uranium;

(b) up to a net amount of 30 kilograms of the isotope U–233 and 200 kilograms of the isotope U–235 contained in unseparated, irradiated, fuel elements, the transfer of such U–233 and U–235 being subject to the availability of appropriate elements.

2. The net amount of each of the types of special nuclear materials specified above shall be its gross quantity, sold or leased to the Community, less the recoverable quantity thereof which has been resold or otherwise returned to the Government of the United States of America or transferred to any other nation or international organization with the approval of the Government of the United States of America. The net amount of uranium 235 transferred under this Article will be charged against the net amount of 30,000 kilograms of uranium 235 to be delivered under Article III of the Agreement for Cooperation signed on November 8, 1958 between the Parties.

B. The uranium supplied hereunder may be enriched up to ninety per cent (90%) by weight in the isotope U–235.

C. Contracts for the sale or lease of special nuclear material by the United States Commission to the Community will specify the maximum quantities to be supplied, composition of material, charges for material, delivery schedules and other necessary terms and conditions. It is understood and agreed that title to leased special nuclear material shall remain in the United States of America as Lessor of such materials, it being represented by the Community that retention of such title by the United States of America is not inconsistent with the Treaty establishing the European Atomic Energy Community. It is further understood and agreed that subject to the retention of such title by the United States of America, and not in derogation of it, the Community shall have power and authority, pursuant to the Treaty establishing the European Atomic Energy Community, over special nuclear material leased by the United States Commission to the Community while such material is in the Community, and that the Community may exercise and enforce rights, powers, and authority conferred upon the Community by the Treaty, and particularly Chapter VIII thereof, against Member States, enterprises and persons within the Community, provided, however, that such rights, powers, and authority of the Community shall not be asserted against or in any way infringe upon the right, title and interest of the Government of the United States of America or of the United States Commission as Lessor of such materials.

D. It is agreed that the Community may distribute to authorized users in the Community special nuclear material which it purchases hereunder; the Community will retain, pursuant to the Treaty establishing the European Atomic Energy Community, title to any special nuclear material which is purchased from the United States Commission. Title to special nuclear materials produced in any part of fuel sold or leased hereunder to the Community shall be in the Community.

E. 1. The United States Commission agrees to accept from the Community irradiated fuel elements containing special nuclear material sold or leased to the Community by the Commission hereunder and will either process such material or will make financial and material settlements therefor, on terms and conditions to be agreed. The provision of such chemical processing services to the Community will be at the same charges as are provided by the United States Commission to its domestic licensees at the time of delivery of such material to the United States Commission.

2. At such time as the United States Commission determines that chemical processing services for fuels from the Community are commercially available, it may, upon no less than twelve months' notice to the Community, discontinue furnishing such services.

F. With respect to any special nuclear material produced in any part of fuel sold or leased hereunder which is in excess of the need of the Community for such material for the peaceful uses of atomic energy, the International Atomic Energy Agency is granted the right of first option to purchase such material at the United States announced fuel value price in effect at the time of purchase. However, if the Agency's option is not exercised within a reasonable period of time, the United States shall have and is hereby granted an option to purchase such material at the United States announced fuel value price in effect at the time of purchase.

G. With respect to special nuclear materials produced in any part of fuel sold or leased hereunder which is sent to the United States for reprocessing or other treatment, the United States shall acquire title without compensation and shall after such processing or treatment return equal quantities of materials to the Community, less process losses, at which time title to such materials shall be reinvested in the Community without compensation, unless the Government of the United States of America exercises the option provided for in paragraph F of this Article.

H. 1. Some atomic energy materials which the Community may request the Commission to provide in accordance with the Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Community, the Community shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials which the United States Commission may, pursuant to this Agreement, lease to the Community, the Community shall indem-

nify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production, fabrication, ownership, lease, possession and use of such special nuclear materials after delivery by the Commission to the Community.

2. The Parties recognize that certain nuclear liability which could arise out of the implementation of this Agreement is expected to be covered by the proposed Convention of the Organization for European Economic Cooperation on Liability in the Nuclear Field and a proposed supplementary Convention, to which the Member States of the Community would be Parties, as well as by corresponding legislation existing in the Member States.

ARTICLE II

Materials of interest in connection with defined research uses other than those concerned with the fueling of reactors and reactor experiments, including source materials, special nuclear materials, by-product material, other radioisotopes, and stable isotopes, will be sold or otherwise transferred in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially.

ARTICLE III

A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in the United States and in the Member States of the Community, the Parties shall assist each other in the achievement of the use of atomic energy for peaceful purposes.

B. Unclassified information will be exchanged between the Parties with respect to the application of atomic energy to peaceful uses.

C. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such material or equipment and devices or the furnishing of any such service involves the communication of Restricted Data.

D. The communication of information received from any third party under terms preventing such communication shall be excluded from the scope of this Agreement.

ARTICLE IV

The Government of the United States of America and the Community reaffirm their common interest in fostering the peaceful applications of atomic energy through the International Atomic Energy Agency and intend that the results of the cooperation envisaged by this Agreement will benefit the Agency and the nations participating in it.

ARTICLE V

The provisions of Articles IV, V, VI D, XI, XII, XV and Annex B of the Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community signed at Brussels on November 8, 1958 also shall apply to this Agreement and are hereby incorporated in this Agreement by reference with the same force and effect as if set forth herein verbatim.

ARTICLE VI

A. This Agreement shall enter into force on the first day on which each Party shall have received from the other Party written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of ten (10) years.

B. The Parties agree that their undertakings under this Agreement are subject to appropriate statutory steps, including authorization by competent bodies of the Government of the United States of America and the Community, and the provisions of applicable laws, regulations and license requirements in effect in the United States, in the Community and within the Member States.

In witness whereof, the undersigned representatives duly authorized have signed this Agreement.

Done at Washington and New York in duplicate, this eleventh day of June, 1960.

For the Government of the United States of America:

FOY D. KOHLER,
Assistant Secretary for European Affairs, Department of State.
JOHN A. MCCONE,
Chairman, Atomic Energy Commission.

For the European Atomic Energy Community (EURATOM):

HEINZ L. KREKLER,
Euratom Commissioner.
EMANUEL M. J. A. SASSEN,
Euratom Commissioner.

ADJOURNMENT

Mr. McCARTHY. Mr. President, I move that the Senate now adjourn until tomorrow, at 12 o'clock noon.

The motion was agreed to; and (at 9 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 22, 1960, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21, 1960:

POSTMASTERS

ALABAMA

Elizabeth R. Bosarge, Bellamy.
C. Burley Finch, Detroit.

ALASKA

Roberta L. Chronister, Whittier.

ARIZONA

Billie Jean Irwin, Superior.

ARKANSAS

Herman A. Tuck, Fayetteville.
Gus L. Sanders, Springdale.

CALIFORNIA

Ava V. Page, Atwood.
Laurence D. King, Del Mar.
Hazel L. Gill, Seven Oaks.

COLORADO

Ertis D. Shelton, Pritchett.
Joe Snepenger, U.S. Air Force Academy.

FLORIDA

Edythe C. Smith, Canal Point.
John B. Dixon, Center Hill.

GEORGIA

Larree Johnston, Cartersville.
Henry R. Bennett, Darien.
Melvin L. Burke, Millen.

IDAHO

Levin H. Benson, Cobalt.
Jesse L. Dobbs, Kuna.

ILLINOIS

Edna M. Parker, Cedarville.
Harry R. Johnson, Madison.

IOWA

Russell R. McLarty, Kingsley.
Lewis F. Paisley, Sherrill.

KANSAS

Ted W. Kyle, Erie.
William C. Rice, Larned.
Donald L. Long, Sylvia.

KENTUCKY

Fletcher F. James, Mammoth Cave.
Manie B. Greene, Park City.

LOUISIANA

Ruth F. Cuevas, Belle Chasse.
Louis H. Turner III, Watson.

MAINE

Pauline L. Sawyer, Cambridge.
Eugene P. Duran, East Corinth.

MARYLAND

G. Carlton Powell, Berlin.
Charles D. Biser, Cascade.

MASSACHUSETTS

John A. Champ, Rockland.
Arthur F. King, Sharon.

MICHIGAN

Charles H. Hill, Ontonagon.
Irene J. Awrey, Oxford.

MINNESOTA

Harry E. Maki, Menahga.
Henry J. Maertens, Wabasso.

MISSISSIPPI

Ellen G. Feigler, Dublin.
Robert E. Payne, Lauderdale.

MONTANA

Lavina I. Powell, Richland.

NEBRASKA

Marvin J. Capoun, Dwight.
James L. Pool, Madison.
C. Clifford Dame, Tekamah.
John R. Baumert, Walthill.

NEW HAMPSHIRE

Thomas M. Murphy, Belmont.

NEW JERSEY

Calvin R. Patterson, Neptune.
A. Robert Deter, Woodbridge.

NEW MEXICO

Donald A. McGhee, Lordsburg.
Clarence L. Healey, Raton.

NEW YORK

Millard H. Bury, Callicoon Center.
Robert S. Freeman, Constableville.
James R. Fuller, Fleischmanns.
Donna A. Dort, Kennedy.

NORTH CAROLINA

Carl C. Denton, Morganton.

NORTH DAKOTA

Leland L. Ribb, Donnybrook.
Lester H. Paulson, La Moure.
Albert E. Storhoff, Nome.

OHIO

Warren J. Gardner, Montpelier.
Matthew E. Gibson, New Philadelphia.

OKLAHOMA

Jimmie L. White, Langston.
E. Blake Grennell, Okeene.

OREGON

Lola F. Barclay, Crabtree.
William H. Fair, Stayton.

PENNSYLVANIA

Donold R. Springer, Hunkers.
George K. Bilger, Kreamer.
Dorothy S. Hull, Rutledge.
Norman W. Abbott, Sugargrove.

SOUTH CAROLINA

Jones R. Copeland, Campobello.

SOUTH DAKOTA

Robert E. Weber, Emery.
Clarence L. Grohnke, Warner.

TENNESSEE

John W. Simonton, Brighton.

TEXAS

Dorsey G. Robinson, Jr., Big Sandy.
Whittaker D. Bains, Jr., Brookshire.
Arlene M. Morris, Colorado City.
Marie D. Long, Mirando City.

VERMONT

William H. Jenks, Danville.
Paul T. Williams, East Corinth.

VIRGINIA

Lucille B. Lakes, Cloverdale.
James M. Rodgers, Shipman.

WASHINGTON

Cloyce G. Johnson, Dayton.
E. Beth Williams, Hadlock.
Gordon W. Rux, Lake Stevens.
Elma M. Sarchet, Lamont.

WEST VIRGINIA

Ernest M. Townsend, Madison.

WISCONSIN

James M. Rumpf, Cambridge.
Elmer E. Lidicker, Jefferson.

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066 in rank as follows:

To be lieutenant general

Maj. Gen. Lionel Charles McGarr, O17225, U.S. Army.

U.S. NAVY

Adm. Herbert G. Hopwood, U.S. Navy, to have the grade of admiral on the retired list pursuant to title 10, United States Code, section 5233.

Vice Adm. Ralph E. Wilson, U.S. Navy, to have the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5223.

Vice Adm. William L. Rees, U.S. Navy, to have the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

Having designated, under the provisions of title 10, United States Code, section 5231, the following-named officers for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade indicated while so serving:

To be admiral

Vice Adm. John H. Sides, U.S. Navy.

To be vice admirals

Rear Adm. Frank O'Bierne, U.S. Navy.
Rear Adm. Laurence H. Frost, U.S. Navy.
Rear Adm. Howard A. Yeager, U.S. Navy.

APPOINTMENTS IN THE REGULAR ARMY

The following-named officers for appointment in the Regular Army of the United States to the grades indicated, under the provisions of title 10, United States Code, sections 3284, 3306, and 3307.

To be major generals

Maj. Gen. Edwin Hugh John Carns O17560, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Elliot Theimer O17566, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Paul Lamar Freeman, Jr., O17704, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. David Haytor Buchanan O17746, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert William Porter, Jr., O18048, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Andrew Pick O'Meara O18062, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Alva Revista Fitch O18113, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Sidney Clay Wooten O18126, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ned Dalton Moore O18212, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Thomas Alphonsus Lane O17075, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Lyle Edward Seeman O17082, Army of the United States (brigadier general U.S. Army).

Maj. Gen. Nelson Marquis Lynde, Jr. O17730, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Arnold Carter O18023, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Philip Campbell Wehle O18067, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Knight Waters O18481, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edwin John Messinger O18503, Army of the United States (brigadier general, U.S. Army).

To be brigadier generals

Maj. Gen. Roy Tripp Evans, Jr., O19140, Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Keith Johnson O19187, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jean Evans Engler O19198, Army of the United States (colonel, U.S. Army).

Maj. Gen. Frederick William Gibb O19222, Army of the United States (colonel, U.S. Army).

Maj. Gen. Ben Harrell O19276, Army of the United States (colonel, U.S. Army).

Maj. Gen. William Wilson Quinn O19283, Army of the United States (colonel, U.S. Army).

To be brigadier general, Medical Corps

Brig. Gen. Joseph Hamilton McNinch O18645, Medical Corps (colonel, Medical Corps, U.S. Army).

IN THE REGULAR ARMY

The nominations of Lester W. Abrams et al. for promotion in the Regular Army, said nominations having been received on May 27, 1960.

IN THE REGULAR ARMY

The nomination of Sarah Evelyn Perkins for promotion in the Regular Army, said nomination having been received on June 6, 1960.

IN THE REGULAR AIR FORCE

The nominations of Johnny M. Barton et al. for promotion in the Regular Air Force, said nomination having been received on June 3, 1960.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 21, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 18: 8: *When the Son of Man cometh, shall He find faith on the earth?*

Eternal and ever-blessed God who art always drawing us to Thyself and seeking to show us what life really means, when touched by the wonder and glory of Thy presence, may there be no reluctance in our response and obedience to Thy divine love.

Inspire us daily to manifest the strength and blessedness of our faith to all who are sorely troubled and wistfully searching for the right and satisfying answer to mankind's many problems with their tragic social, racial, and economic setting.

Grant that in a time when men and nations are being brought so near to one another, as neighbors, by the findings of science and invention, we may all be more docile and determined to learn the fine art of living together in a neighborly and brotherly spirit.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed the following resolution:

SENATE RESOLUTION 339

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Douglas H. Elliott, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12232. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. CHAVEZ, Mr. HAYDEN, Mr. JOHNSON of Texas, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12381. An act to increase for one-year period the public debt limit set forth in section 21 of the Second Liberty Bond Act and to extend for one year the existing corporate normal tax rate and certain excise-tax rates.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. LONG of Louisiana, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

DEPARTMENT OF LABOR SUPPLEMENTAL APPROPRIATION BILL

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 765) making a supplemental ap-